



TOWN OF SURFSIDE, FLORIDA
Town Commission Meeting
9293 Harding Avenue
Surfside, FL 33154
Tuesday, April 10, 2007
7:00 p.m.

Mayor Charles W. Burkett
Vice Mayor Howard S. Weinberg
Commissioner Mark Blumstein
Commissioner Steve Levine
Commissioner Marc Imberman

Town Manager W. D. Higginbotham, Jr.
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

AGENDA

- 1. CALL TO ORDER/ROLL CALL OF MEMBERS:**
- 2. PLEDGE OF ALLEGIANCE/INVOCATION:**
- 3. ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals):**
- 4. APPROVAL OF THE MINUTES:**
 - 4.A.1 March 13, 2007** (including March 14, 2007 continuation)
- 5. SPECIAL PRESENTATIONS:**
 - 5.A.1 SPECIAL RECOGNITION OF ELI TOURGEMAN**
 - 5.A.2 WATER CONSERVATION MONTH PROCLAMATION**
 - 5.A.3. OFFICER OF THE MONTH** – Officer Giranny Fernandez
 - 5.A.4. CIVILIAN OF THE MONTH** – Parking Enforcement Specialist William Perez
 - 5.A.5. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR SEPTEMBER 30, 3006 I** (A.M. Jones, CPA, PA)
- 6. PUBLIC HEARINGS:**
 - 6.A. QUASI-JUDICIAL ITEMS:** (NOTE: *Quasi-Judicial items will usually be approve/deny/approve with conditions.*)

QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON ANY OF THESE ITEMS, PLEASE INDICATE THE TAB NUMBER YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON EACH ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAS MADE THEIR PRESENTATIONS ON EACH ITEM.

SWEARING IN: ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON EACH ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. AT THIS TIME, COMMISSION MEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING ANY ITEMS ON THE AGENDA. AT THIS TIME THE CLERK WILL SWEAR IN ANY PERSON WHO WISHES TO TESTIFY ON ANY QUASI-JUDICIAL ITEM

6.A.1. REHEARING OF VARIANCE REQUEST FOR 9501 COLLINS AVENUE *(Item scheduled on November 7, 2006 for re-hearing)*

AN APPLICATION MADE BY 9501 COLLINS AVENUE, LLC. PROPERTY OWNER(S), OF THE PROPERTY LOCATED AT 9501 COLLINS AVENUE, LEGALLY DESCRIBED AS LOT 1, BLOCK 2, SUBDIVISION ALTOS DEL MAR No. 6, FOLIO #14.2235.007.0110; REQUESTING A VARIANCE FROM THE PROVISIONS OF CHAPTER 90, SECTION 155 OF THE TOWN CODE FOR A LOT WIDTH OF 55 FEET, WHICH IS A VARIANCE OF 45 FEET WHERE A MINIMUM LOT WIDTH OF 100 FEET IS REQUIRED AND A SOUTH SIDE CORNER YARD SETBACK OF 10 FEET, WHICH IS A VARIANCE OF 10 FEET WHERE A MINIMUM SOUTH SIDE CORNER YARD SETBACK OF 20 FEET IS REQUIRED.

6.B. ORDINANCES – SECOND READING AND PUBLIC HEARINGS:

6.B.1 ETHICS ORDINANCE *(Burkett)*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ADOPTING A CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

6.B.2 TERM LIMITS CHARTER AMENDMENT *(Blumstein)*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR AMENDMENT OF THE TOWN CHARTER BY AMENDING ARTICLE II “TOWN COMMISSION, SECTION 5, “NUMBER; SELECTION; TERM.” TO INCLUDE TERM LIMITS; PROVIDING REQUISITE BALLOT

LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6.B.3 BEACH CHAIR/UMBRELLA RENTALS (Beach Club) (*Town Attorney*)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 86 “WATERWAYS” SECTION 86-41 “PEDDLING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

6.C. ORDINANCES – FIRST READING

6.C.1 CODE ENFORCEMENT ORDINANCE (*Town Attorney*)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 15 “CODE ENFORCEMENT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. GOOD AND WELFARE:

8. RESOLUTIONS:

8.A.1 POLICE CONFISCATION FUND EXPENDITURE (*Security System*)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THIRTEEN THOUSAND DOLLARS TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

9. COMMISSION REPORTS:

10. COMMITTEE REPORTS:

10.A.1 AUDIT COMMITTEE

10.A.2 CHARRETT COMMITTEE

10.A.3 COMMUNITY CENTER COMMITTEE – Project Manager Recommendation

- 10.A.4 **EDUCATION COMMITTEE**
 - 10.A.5 **PARKS AND RECREATION COMMITTEE**
 - 10.A.6 **PENSION BOARD**
 - 10.A.7 **PERSONNEL APPEALS BOARD**
 - 10.A.8 **PLANNING AND ZONING BOARD**
 - 10.A.9 **POLICE OFFICERS PENSION TRUST FUND**
 - 10.A.10 **TOURIST BUREAU**
 - 11. **TOWN MANAGER’S REPORT:**
 - 11.A.1 **SURFSIDE CRIME STATISTICS**
 - 11.A.2 **OTHER ITEMS**
 - 12. **TOWN ATTORNEY’S REPORT:**
 - 13. **DISCUSSION ITEMS:**
 - 13.A.1 **GREEN COMMITTEE** (*Weinberg*)
 - 13.A.2 **CODE COMPLIANCE IN THE B-1 DISTRICT** (*Imberman*)
 - 13.A.3 **PUBLIC INFORMATION RESOURCES REVIEW** (*Imberman*)
 - 13.A.4 **PROJECT PRIORITIZATION** (*Imberman*)
 - 13.A.5 **CITIZEN’S CRIME WATCH** (*Blumstein*)
 - 13.A.6 **CITIZEN’S PATROL OF OUR TOWN** (*Blumstein*)
 - 14. **MAYOR’S ROUNDTABLE:**
 - 15. **ADJOURNMENT:**
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▪ THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

- IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

- AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

- TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY attend AT THIS MEETING.

- THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.

Item 4
APPROVAL OF MINUTES

4.A.1 – March 13, 2007



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Tuesday, March 13, 2007
7:00 p.m.

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Vice Mayor Howard S. Weinberg
Commissioner Mark Blumstein
Commissioner Steve Levine
Commissioner Marc Imberman

Town Manager W. D. Higginbotham, Jr.
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

MINUTES

On Tuesday, March 13, 2007, at 7:08 p.m., the Town of Surfside Commission met in regular Session in the Commission Chambers at Town Hall at 9293 Harding Avenue.

1. CALL TO ORDER/ROLL CALL OF MEMBERS: Mayor Charles W. Burkett called the meeting to order. In addition to the Mayor, the following Commissioners were present at roll call: Vice Mayor Howard Weinberg, Commissioner Mark Blumstein, Commissioner Marc Imberman and Commissioner Steve Levine. Also present were Town Manager W.D. Higginbotham, Town Attorney Lynn Dannheisser, Police Chief Dave Allen and Town Clerk Beatris M. Arguelles.

2. PLEDGE OF ALLEGIANCE/INVOCATION: Chief Allen led the Pledge.

3. ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals): The Town Attorney asked that an Ordinance be added to the Agenda for first reading relating to placement of beach chairs on the beach as item 6C4. She also asked that item 6B2, the RLUIPA Ordinance up on the Agenda preceding approval of the minutes.

Commissioner Imberman requested that Special Presentations be taken up as the next order of business in the interest of getting through the items earlier.

Commissioner Blumstein asked that item 7, Good and Welfare be moved up on the Agenda, immediately following Special Presentations.

5. SPECIAL PRESENTATIONS:

5.A.1 CITIZEN OF THE MONTH – Chief Allen presented the award to Police Department Special Projects Coordinator Wanda Flores.

5.A.3. PRESENTATION: Education Committee honoring Coach Alton Strachan, Nautilus Middle School. – Committee Chair Leo Coto presented the award to Coach Strahan.

7. GOOD AND WELFARE: The following resident was heard:

Joseph Graubart - 919 92nd Street – regarding the historical naming of Biscaya Island and posting of Campaign reports.

- 5.A.2 PRESENTATION:** Miami Beach Fire Rescue – Prior to the presentation, Commissioner Imberman moved to defer the presentation to a workshop at which all the parties involved (i.e.: Miami Beach Fire Rescue and Miami-Dade County Fire Rescue) would be able to present all viable options to the Commission. Commissioner Blumstein seconded the motion. Following brief discussion, the motion failed 1-4 with the Mayor, Vice Mayor, Commissioner Blumstein and Commissioner Levine dissenting.

Michael Gongora, Vice Mayor of the City of Miami Beach, introduced George Gonzalez, Miami Beach City Manager who made a presentation to the Commission regarding a proposal to provide Fire Rescue Services to the Town of Surfside. Miami Beach Fire Chief Floyd Jordan also addressed the Commission on behalf of the City.

The Mayor called for a 10 minute recess. Upon resuming the meeting, the following item was taken out of order:

6.B.2 RLUIPA ORDINANCE (*Weinberg*) *as amended on first reading.*

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING CHAPTER 90, ARTICLE I “IN GENERAL” SECTION 90-2 “DEFINITIONS” TO PROVIDE DEFINITIONS OF “COMMON AREA” AND “PLACE OF PUBLIC ASSEMBLY”; AMENDING ARTICLE II “ADMINISTRATION AND ENFORCEMENT” SECTION 90-41 “CONDITIONAL USES” TO PROVIDE THAT CHURCHES AND SYNAGOGUES SHALL NOT BE CONSIDERED CONDITIONAL USES; AMENDING ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-146 “RS-1 AND RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT” TO PROVIDE THAT PLACES OF PUBLIC ASSEMBLY MAY BE PERMITTED IN THE ZONING DISTRICT IF LOCATED ON HARDING AVENUE, COLLINS AVENUE, OR 96TH STREET; AMENDING ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-147 “RD-1 TWO FAMILY RESIDENTIAL DISTRICT” TO PROVIDE THAT CHURCHES AND SYNAGOGUES SHALL NOT BE CONSIDERED CONDITIONAL USES, AND THAT PLACES OF PUBLIC ASSEMBLY MAY BE PERMITTED IN THE ZONING DISTRICT IF LOCATED ON HARDING AVENUE, COLLINS AVENUE, OR 96TH STREET; AMENDING ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-148 “RD-2 TWO-STORY MULTIPLE FAMILY RESIDENTIAL DISTRICT” TO PROVIDE THAT PLACES OF PUBLIC ASSEMBLY MAY BE PERMITTED IN THE ZONING DISTRICT IF LOCATED ON HARDING AVENUE, COLLINS AVENUE, OR 96TH STREET; AMENDING ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-152 “B-1 BUSINESS DISTRICT” TO

PROVIDE THAT PLACES OF PUBLIC ASSEMBLY SHALL BE PERMITTED USES WITHIN THE B-1 BUSINESS DISTRICT; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS," DIVISION 1 "GENERALLY", TO CREATE SECTION 90-197 "NO-FEE OPERATIONAL LICENSING OF NOT-FOR-PROFIT PLACES OF PUBLIC ASSEMBLY" AND SECTION 90-197 "HOME-BASED AND COMMON-AREA BASED PLACES OF PUBLIC ASSEMBLY"; AMENDING DIVISION 3 "OFF-STREET PARKING", SECTION 90-226 "OFF-STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENT OFF-STREET PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY; AMENDING 90-227 "INTERPRETATION OF THESE REQUIREMENTS" IN ORDER TO PROVIDE ADDITIONAL STANDARDS FOR CONSIDERATION OF A VARIANCE FROM PARKING REQUIREMENTS REQUESTED BY A PLACE OF PUBLIC ASSEMBLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

The Town Attorney introduced Susan Travarthan and Johanna Lundgren who reviewed the ordinance for the Commission, prior to their consideration. Following the presentation, the Commission discussed the locations that will allow for public assembly use. They requested input from the P&Z Board on the Ordinance and asked that the Board consider it at their next meeting.

The following item was taken out of order.

- 8.A.4 OPPOSING HB529 AND SB380 RELATING TO LOCAL FRANCHISING OF CABLE SERVICES** (*Town Attorney*) The Town Attorney reviewed the Ordinance. Following the review, Commissioner Levine moved to adopt the Resolution. The motion was seconded by Commissioner Imberman and carried 4-1 with Mayor Burkett dissenting

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A RESOLUTION OPPOSING HB529 AND SB380, WHICH SEEK TO ELIMINATE LOCAL FRANCHISING OF CABLE SERVICES; URGING THE GOVERNOR AND THE FLORIDA LEGISLATURE TO OPPOSE THESE BILLS AND ANY OTHER BILL THAT SEEKS TO EFFECTUATE A SIMILAR RESULT; SUPPORTING EXISTING LAW UNDER WHICH LOCAL GOVERNMENTS ARE FRANCHISING AUTHORITIES FOR THE PROVISION OF CABLE SERVICES; AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO THE GOVERNOR, MEMBERS OF THE FLORIDA LEGISLATURE, THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION, MIAMI-DADE COUNTY LEAGUE OF CITIES AND THE FLORIDA LEAGUE OF CITIES;AND PROVIDING FOR AN EFFECTIVE DATE.

The following items were to be taken out of order per direction of the Commission at the February meeting:

12. TOWN ATTORNEY'S REPORT:

12.A.1 COUNTY WIDE PLANNING (*Deferred from previous meeting*) The Town Attorney issued a written report (*attached to these fully executed minutes*) which she summarized for the Commission.

13. DISCUSSION ITEMS:

13.A.1 UNIFORM NEWSRACKS (*Burkett*) (*Deferred from previous meeting*) – the Mayor suggested that the Town place uniform news racks in strategic places in Town, eliminating messy un-kept news racks. By consensus, the Town Manager was directed to move forward with providing alternatives for consideration by the Commission and proposing a solution that will work for “free” publications as well.

13.A.2 BUSINESS DISTRICT INCENTIVE TO CREATE WALK/PATHWAY (*Burkett*) (*Deferred from previous meeting*) The Mayor suggested directing the Planning Board to develop incentives to the stores in the center of the business district to donate space for a promenade type plan that would allow customers parking on one side of the district to access the other side of the district without having to walk around the block. The Mayor suggested Planning and Zoning Board Chair and request that the P&Z Board have a discussion regarding the possibility of providing incentives to those businesses (owners) that are in the center of the block (95th Street block on the West side of Harding Avenue and the 94th Street Block on the West side of Harding) in order to entice them into donating an area for the walk/pathway and take steps to enhance the viability of the business district. By consensus, the Commission agreed to hold the discussion during the upcoming Joint Workshop with the P&Z Board.

13.A.3 GATING OF BYRON AVENUE AT 88TH STREET (*Burkett*) (*Deferred from previous meeting*) The Mayor requested that the Town Attorney look into placement of a barrier gate that can be opened via a transponder issued to residents. Following discussion, the Manager and the Town attorney were directed to look into the matter.

13.A.4 ENVIRONMENTAL ENERGY INITIATIVE (*Blumstein*) (*Deferred from previous meeting*) The Commissioner noted that there are opportunities for the Town to work toward an eco-friendly town by encouraging green building and purchasing alternative fuel vehicles.

13.A.5 TOWN GAZETTE ADVERTISEMENTS (*Blumstein*) (*Deferred from previous meeting*) The Commissioner suggested selling advertisements in the

Town Gazette. There was a general opposition to such advertising and therefore no action was taken.

The following items were taken out of order: A motion was made to approve Resolution 8.A.1, 8.A.2 and 8.A.3 by Commissioner Imberman. The motion was seconded by Commissioner Levine and carried unanimously.

8.A.1 POLICE CONFISCATION FUND EXPENDITURE - \$40,000 (*Police Chief*)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS. Approved unanimously.

8.A.2 POLICE CONFISCATION FUND EXPENDITURE - \$10,000 (*Police Chief*)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS. Approved unanimously.

8.A.3 POLICE CONFISCATION FUND EXPENDITURE - \$3,000 (*Police Chief*)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS. Approved unanimously.

The following item was taken out of order:

6.C.4 BEACH BUSINESS (BEACH CHAIRS/UMBRELLAS) *Item taken out of order.* Community Center Committee Chair Ileana Salzhauer reviewed the Ordinance and recommended approval. The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 86 "WATERWAYS", SECTION 86-41 "PEDDLING"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Imberman moved to adopt the Ordinance on first Reading. Vice Mayor Weinberg seconded the motion which carried unanimously.

At 12:03 a.m., The Mayor called for a recess and continued the meeting to time certain

6:30 p.m. on March 14, 2007.

On Wednesday, March 14, 2007, at 6:40 p.m., the Mayor reconvened the previous evening's meeting. The following Commission members were present at roll call: Mayor Charles W. Burkett, Vice Mayor Howard Weinberg, Commissioner Mark Blumstein, and Commissioner Marc Imberman. Commissioner Steven Levine arrived shortly after the meeting commenced. The following staff members were also present: W.D. Higginbotham, Town Manager, Lynn Dannheisser, Town Attorney and Town Clerk Beatris M. Arguelles.

4. APPROVAL OF THE MINUTES:

4.A.1 January 16, 2007 (*Deferred from previous meeting*) Commissioner Imberman moved to approve the minutes, as amended. Commissioner Blumstein seconded the motion. The Mayor asked that the amended minutes be amended by putting a period after the word "them", deleting the remainder of the sentence and take out after the comma starting with the word "and" through to the word "so."

Brief discussion took place regarding Good and Welfare comments being included in the minutes. It was consensus of the Commission that comments not be summarized in the minutes. Other corrections were made to the spelling of names and deletion of duplicate information.

Following discussion, the minutes were approved unanimously, as amended.

4.A.2 February 13, 2007 - Commissioner Imberman moved to accept the minutes. Commissioner Blumstein seconded the motion. The following corrections were made: Page 9, Commissioner Weinberg should read "Blumstein", Page 14, delete "no report was given" and add the words "report given by Vice Mayor Weinberg"; Other corrections were made to the spelling of names.

Following the corrections, the minutes were approved unanimously, as amended.

5. SPECIAL PRESENTATIONS: *Items were taken out of order earlier in the meeting.*

6. PUBLIC HEARINGS:

6.A. QUASI-JUDICIAL ITEMS: None

6.B. ORDINANCES – SECOND READING AND PUBLIC HEARINGS:

6.B.1 ADDITIONAL HOMESTEAD EXEMPTION FOR SENIORS
(*Blumstein*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA, RELATING TO AD VALOREM TAXATION;
PROVIDING FOR AN ADDITIONAL HOMESTEAD EXEMPTION
FOR CERTAIN QUALIFYING SENIOR CITIZENS TO BE APPLIED

TO MILLAGE RATES LEVIED BY THE TOWN; PROVIDING FOR THE SUBMISSION OF AN ANNUAL APPLICATION AND SUPPORTING DOCUMENTATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER; PROVIDING FOR WAIVER OF EXEMPTION; PROVIDING FOR AN ANNUAL INCREASE IN THE INCOME LIMITATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Commissioner Blumstein moved to adopt the Ordinance on second reading. The motion was seconded by Commissioner Levine.

Commissioner Imberman requested that the Manager give a statement of fiscal impact. The Manager noted that he is working on the statement however that the information is not easily obtained due to the fact that residents would have to disclose their annual household income and that is not easily accessed (*Subsequently during his report, the Town Manager noted that the fiscal impact using a formula 2000 households with 10% falling into the exempted category would represent 200 households or a total of \$25,000 total fiscal impact to the Town*)

The Mayor opened the floor for Public Hearing. There being no residents speaking in favor of or in opposition to the Ordinance, the Mayor closed the Public Hearing.

On a roll call vote, the motion carried unanimously.

6.B.3 ELIGIBILITY REQUIREMENT TO SERVE ON THE PENSION BOARD AS THE POLICE OFFICER AND GENERAL EMPLOYEES' REPRESENTATIVE (*Town Manager/Pension Board Attorney*) The Town Clerk read the Ordinance by title as follows;

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-185(a) OF THE CODE TO CHANGE THE CREDITABLE SERVICE REQUIREMENT ELIGIBILITY PROVISION FOR THE POLICE OFFICER AND GENERAL EMPLOYEE TRUSTEES FROM FIVE TO ONE YEARS OF CREDITABLE SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Commissioner Imberman moved to adopt the Ordinance. Commissioner Levine seconded the motion. The Mayor opened the floor for Public Hearing. There being no residents speaking in favor of or in opposition to the Ordinance, the Mayor closed the Public Hearing. On a roll call vote, the motion carried unanimously.

6.C. ORDINANCES – FIRST READING

- 6.C.1 ETHICS ORDINANCE** (*Burkett*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ADOPTING A CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Imberman moved to adopt the Ordinance on first reading. Commissioner Levine seconded the motion.

Following lengthy discussion regarding relatives of commissioners serving on Boards or Committees and notification requirements to comply, the Town Attorney was directed to amend the Ordinance between first and second reading to include the intent of the Commission.

The question was called and the Ordinance was approved on first reading as amended by a unanimous roll call vote of the Board.

- 6.C.2 GARAGE DOOR ORDINANCE** (*Levine*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-145 “RS SINGLE-FAMILY RESIDENTIAL DISTRICT” AND SECTION 90-146 “RS-1 AND RS-2 SINGLE FAMILY RESIDENTIAL DISTRICTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Levine moved adoption of the Ordinance on First Reading. Vice Mayor Weinberg seconded the motion.

Following discussion, Commissioner Blumstein moved to table the Ordinance until the Planning and Zoning Board have an opportunity to review the Ordinance. The motion was seconded by Commissioner Imberman and carried unanimously.

- 6.C.3 TERM LIMITS CHARTER AMENDMENT** (*Blumstein*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF

SURFSIDE, FLORIDA, PROVIDING FOR AMENDMENT OF THE TOWN CHARTER BY AMENDING ARTICLE II “TOWN COMMISSION, SECTION 5, “NUMBER; SELECTION; TERM.” TO INCLUDE TERM LIMITS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Blumstein moved to adopt the Ordinance on first reading. The motion was seconded by Commissioner Weinberg.

Following lengthy discussion regarding changing the length of time to be eight (8) consecutive years, the Ordinance was amended as follows: to include that beginning with the next election, no person shall serve as Commissioner or Mayor for more than an eight (8) consecutive years, provided that nothing herein shall prevent a Commissioner who has served eight consecutive years from seeking the position of Mayor for one additional term. The Town Attorney was directed to include a footnote in the Ordinance noting that it is the intent that any commissioner wishing to return to service after having served eight (8) consecutive years shall wait out one term before running for office.

The motion, as amended, carried unanimously.

6.C.4 BEACH BUSINESS (BEACH CHAIRS/UMBRELLAS) *Item*
previously taken out of order.

7. GOOD AND WELFARE: *Item previously taken out of order.*

8. RESOLUTIONS: *Items previously taken out of order*

8.A.1 POLICE CONFISCATION FUND EXPENDITURE - \$40,000 *(Police Chief)*

8.A.2 POLICE CONFISCATION FUND EXPENDITURE - \$10,000 *(Police Chief)*

8.A.3 POLICE CONFISCATION FUND EXPENDITURE - \$3,000 *(Police Chief)*

8.A.4 OPPOSING HB529 AND SB380 RELATING TO LOCAL FRANCHISING OF CABLE SERVICES *(Town Attorney)*

9. COMMISSION REPORTS:

10. COMMITTEE REPORTS:

- 10.A.1 AUDIT COMMITTEE** – No report was given.
- 10.A.2 CHARRETT COMMITTEE** – Commissioner Blumstein gave a report to the Commission.
- 10.A.3 COMMUNITY CENTER COMMITTEE** – Ileana Salzhauer, gave a report to the Commission.
- 10.A.4 EDUCATION COMMITTEE** – Commissioner Imberman gave a report outlining the activities of the Committee.
- 10.A.5 PARKS AND RECREATION COMMITTEE** – Vice Mayor Weinberg gave a report outlining the activities of the Parks and Recreation Department.
- 10.A.6 PENSION BOARD** – The Town Manager announced that the Board meets on a quarterly basis. He noted that the fund is currently between 10 and 11 million dollars.
- 10.A.7 PERSONNEL APPEALS BOARD** – No report was given.
- 10.A.8 PLANNING AND ZONING BOARD** – Commissioner Blumstein reported that the Board would be conducting a Joint Workshop with the Commission to discuss planning and zoning issues.

Commissioner Imberman noted that his appointment, Ruben Coto resigned from the Committee and that his replacement would be Daniel Dietch.
- 10.A.9 POLICE OFFICERS PENSION TRUST FUND** – No report was given.
- 10.A.10 TOURIST BUREAU** - Commissioner Levine announced the First Annual Arts Festival, March 24th and 25th.

11. TOWN MANAGER'S REPORT:

- 11.A.1 SURFSIDE CRIME STATISTICS** – copies of the report were distributed a reduction of criminal activity from January to February was noted.
- 11.A.2 OTHER ITEMS** – The Town Manager reported on the following:

Valet Parking has been implemented by the Surfside Business Association during evening hours.

Pedestrian Beach Path an RFQ will be prepared pursuant to the plan as presented for the construction of the project. He noted once proposals are received, the

issue of costs of specific elements addressed at the workshop might be addressed.

Regarding the Bus Service Schedule the Manager reported the contractor has been working on modifying the bus schedule to include daily trips to Miami Shores Aquatic Center and regular trips to Mt. Sinai Hospital.

Regarding pool repairs/improvements the town manager noted that he received professional advice subsequently submitted via a report received February 20th setting forth the problems that would have to be overcome in order to get the pool open. Specifically, the grounding problems would have to be overcome to satisfy the 40 year re-certification requirements.

The Town Manager announced \$1,000 donation for teacher appreciation to Ruth K. Broad Elementary, Nautilus Middle School and Miami Beach Senior High School would be disbursed pursuant to budgeted amounts.

The town Manager also announced a Workshop for March 26, 2007, scheduled to address Water, Stormwater and Sewer services.

12. TOWN ATTORNEY'S REPORT: *Item previously taken out of order.*

13. DISCUSSION ITEMS:

13.A.6 PARKING ON BAY DRIVE (*Burkett*) The Mayor noted that cars are parking on bay drive and requested that reminders to those parking be given.

13.A.7 TEMPORARY POOL (*Burkett*) The Mayor suggested a temporary pool be built for use by the residents on the beach. Discussion ensued regarding insurance issues and DERM issues. Following discussion regarding the feasibility of such an option, the Manager was directed to look into what would be required to accommodate a temporary pool.

13.A.8 GREEN COMMUNITY CENTER BUILDING (*Weinberg*) The Vice Mayor noted that with the Community Center Building, the Town has an opportunity to have the first LEAD certified building on the Beach. The Town Manager noted that LEED Certification was a prerequisite of the RFQ.

13.A.9 2ND WATER METER (*Weinberg*) The Vice Mayor noted that the costs of installing a second water meter seems exorbitant and suggested that the charges be reduced to the \$300 tapping fee and actual cost of the equipment only and that the Town should not charge for labor. Following brief discussion, the Manager was directed to determine what the actual cost of installing a second water meter.

13.A.10 BEACH WALKING PATH (*Imberman*) – *Previously addressed under the Town Manager's report.*

14. MAYOR'S ROUNDTABLE:

14.A.1 RENTAL OF UNDERUTILIZED MOBILE TRAILERS TO OUTSIDE TENANTS - the Mayor suggested that the trailers could be leased out to outside tenants such as Yoga instructors or Art Teachers, etc. There were no objections.

14.A.2 PURCHASE OF NEWSPAPER VENDING MACHINES FOR DISTRIBUTION OF GAZETTE TO THE BUSINESS DISTRICT – Previously addressed.

14.A.3 DISCUSSION REGARDING TWO MEETINGS A MONTH – the Mayor suggested the Commission should go back to meeting two times a month to take care of business before the Commission. Discussion ensued regarding costs incurred by paying the Town Attorney, Town Planner, etc. No action was taken.

15. ADJOURNMENT: The meeting adjourned at 10:03 p.m.

Accepted this _____ day of _____, 2007

Attest:

Charles W. Burkett, Mayor

Beatris M. Arguelles, CMC
Town Clerk

▪ THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

▪ IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

▪ AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

▪ TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY BE IN ATTENDANCE AT THIS MEETING.

▪ THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.

Item 6.A.1

QUASI-JUDICIAL HEARINGS:

REHEARING OF VARIANCE REQUEST
FOR 9501 COLLINS AVENUE



MEMORANDUM

To: Town Commission
Thru: W. D Higginbotham, Town Manager
From: Sarah Sinatra, AICP, Town Planner
CC: Lynn Dannheisser, Town Attorney
Date: April 10, 2007
Re: 9501 Collins Avenue, LLC. Variance Request

The applicant, 9501 Collins Avenue, LLC, is requesting two variances from the Surfside Code of Ordinances. The property is generally located on 95th Street and Collins Avenue. Currently, the site has a 22,558 square foot, three story hotel. The proposed use is for a three story, seven unit townhouse project.

Request

- A) Variance 1: Section 90-155 of the Town of Surfside Code requires a minimum lot width of 100 feet. The property is 55 feet in width, and therefore the applicant is requesting a 45 foot variance. As the property consists of a lot platted prior to 1960, it is "grandfathered" pursuant to Section 90-71 so the applicant may build on this lot without a request for a variance so long as it "conforms in all other aspects to applicable zoning regulations." Therefore, the requested variance is not necessary for reasonable development of the property.
- B) Variance 2: Section 90-155 of the Town of Surfside Code requires a minimum side corner setback of 20 feet. The proposed building will provide a 10 foot setback, as a result the applicant is requesting a 10 foot variance.

Standards

The lot is located between Collins Avenue and the Atlantic Ocean. The zoning, RT-1, requires the following:

RT-1	Tourist 3	Lot Area per DU in Square Feet	Lot Width in Feet	Maximum Height	Feet	Depth Front Yard in Feet	Interior in Feet	Corner in Feet	Depth Rear Yard in Feet
	Required	400	100	12	120	40	10	20	30
	Proposed	3,488	55*	3	55	40	10	10*	35

*Variance requested

Variance Criteria

A. Requested Variance from Lot Width Requirement

Section 90-155 of the Town of Surfside Code requires a minimum lot width of 100 feet. The property is 55 feet in width, and therefore the applicant is requesting a 45 foot variance. As the property consists of a lot of record prior to 1960, it is “grandfathered” pursuant to Section 90-71 of the Town Code, allowing the applicant to build on this lot without a request for a variance so long as its project “conforms in all other respects to applicable zoning regulations.” If the applicant revises the proposed site plan to meet the Code requirements as to setback, no variance from the lot width requirements of Section 90-155 would be required. In accordance with the setback requirements for the RT-1 zoning district, the applicant is entitled to construct a structure approximately twenty-five (25) feet in width.

The criteria of Section 90-91(h) of the Town Code apply to the requested lot width variance as follows:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

This lot is a lot of record prior to 1960; therefore, according to Section 90-71 of the Town Code, it is grandfathered as a non-conforming lot, which permits improvements that conform in all other respects to applicable zoning regulations. This would allow construction on this lot, which is less than 100 feet in width, which is a special condition of this lot. While this development could conform to all other applicable zoning regulations, it is not unreasonable to request variances from the strict interpretation of the Town code.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

This request is due to the size and shape of the property. The property is a legal non-conforming lot that did not result from the actions of the applicant or the prior owner of the property. However, the applicant purchased the property with the knowledge that the lot was substandard and variances may be required in order to develop the property.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

As noted previously, the “grandfathering” provision of Section 90-71 of the Town Code recognizes the substandard condition of this and similar properties within the Town, and allows the applicant to construct a structure without regard to lot width. The applicant may construct a structure of approximately twenty-five (25) feet in width, therefore not preventing the applicant from development, but restricting the opportunity for practical multi-family development.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The lot and existing improvement was non-conforming when purchased by this applicant, but the hardship is a result of the code requirements for greater setbacks along the street side, which was not specifically created by the applicant. However, the applicant purchased the lot with notice of the setback requirements which restrict the intensity of development of the subject property. While the applicant can develop the property within the confines of the Town Code, the restricted development potential may warrant relief from the Town Code.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance would allow the applicant's proposed multi-family development to be built with a larger livable area, which does not, alone, assist the applicant in gaining the maximum financial return for the property. However, it is clear that a variance from the Town Code would provide a greater financial return to the applicant.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The substandard condition of lots is common throughout the zoning district. Section 90-71 of the Town Code appropriately addresses this situation by allowing reasonable development if the proposed development conforms to all other applicable zoning regulations. Therefore, all other substandard lots that are grandfathered by the Town Code are treated equally. Since the composition of this zoning district is primarily multi-family and hotels, it seems reasonable to consider relief from the Town Code for multi-family development on a substandard lot.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Without the variances, a structure of approximately twenty-five (25) feet in width can be built. It should be noted that the subject parcel, though narrow in width, is 257.96 feet in depth, allowing the development of a sizeable, linear structure within the lot width and setback requirements of the Town Code. However, the applicant's request to reduce the side setback by 10 feet in order to build an ocean front, three story, multi-family structure on a corner property, seems to be the minimum setback needed to build this structure.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood, or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

Redevelopment of the subject property is generally consistent with the Comprehensive Plan and the Town Code. It is not expected that property values would be diminished with the addition of a newly constructed multi-family townhouse development in the place of the existing building located on the site, which is badly in need of renovation.

Staff Recommendation

Staff recommends approval of the lot width variance request.

B. Requested Variance from Setback Requirement

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

The subject lot, like others within the zoning district, is grandfathered as to width pursuant to Section 90-71 of the Town Code. Pursuant to this exception, the applicant is permitted to build a structure of approximately twenty-five (25) feet in width. The applicant's request for a variance from the street side yard stems from its desire to maximize the development of the property. However, the request for relief from the Town Code is not unreasonable due to additional constraints such as the lot width of only fifty-five feet and the requirement for a greater front setback due to this property's situation as a corner lot.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

This request is due to the size and shape of the property. The property is a legal non-conforming lot that did not result from the actions of the applicant or the prior owner of the property. However, the applicant purchased the property with the knowledge that the lot was substandard and variances may be required in order to develop the property.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

This specific lot is a corner property, which requires a 20 foot setback on the side. Thirteen other properties within this zoning district are also corner parcels, which would require a 20 foot street side setback. All of the developed parcels have aggregated additional property in order to have a larger lot width and more land to accommodate the larger setback. However, due to the grandfathering of the lot width, if the applicant conforms to all other zoning regulations, no variances will be required.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The lot and existing improvement was non-conforming when purchased by this applicant, but the hardship is a result of the code requirements for greater setbacks along the street side, which was not specifically created by the applicant. However, the applicant purchased the lot with notice of the setback requirements which restrict the intensity of development of the subject property.

While the applicant can develop the property within the confines of the Town Code, the restricted development potential may warrant relief from the Town Code.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance would allow the applicant's proposed multi-family development to be built with a larger livable area, which does not, alone, assist the applicant in gaining the maximum financial return for the property. However, it is clear that a variance from the Town Code would provide a greater financial return to the applicant.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The substandard condition of lots is common throughout the zoning district. Section 90-71 of the Town Code appropriately addresses this situation by allowing reasonable development if the proposed development conforms to all other applicable zoning regulations. Therefore, all other substandard lots that are grandfathered by the Town Code are treated equally. Since the composition of this zoning district is primarily multi-family and hotels, it seems reasonable to consider relief from the Town Code for multi-family development on a substandard lot.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Without the variances, a structure of approximately twenty-five (25) feet in width can be built. It should be noted that the subject parcel, though narrow in width, is 257.96 feet in depth, allowing the development of a sizeable, linear structure within the lot width and setback requirements of the Town Code. However, the applicant's request to reduce the side setback by 10 feet in order to build an ocean front, three story, multi-family structure on a corner property, seems to be the minimum setback needed to build this structure.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood, or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

Redevelopment of the subject property is generally consistent with the Comprehensive Plan and the Town Code. It is not expected that property values would be diminished with the addition of a newly constructed multi-family townhouse

development in the place of the existing building located on the site, which is badly in need of renovation.

Recommendation

Staff recommends approval of the setback variance request.

Results

- A) The Planning & Zoning Board, at their June 29, 2006 meeting, reviewed a request for a five story, seven unit townhouse development. The Board recommended approval on both variances, with the following conditions of approval:
 - 1. Withdraw the pool on the west side of the building.
 - 2. Relocate the air conditioning unit
 - 3. Review means of ingress and egress of service vehicles
- B) The City Commission, at their September 26, 2006 meeting, recommended denial of both variances.
- C) At the December 12, 2006 City Commission meeting, the applicant requested to be placed on an agenda with a revised application for a three story townhouse development to a time certain for approval of the variances. The Commission granted this request.




P R O P O S E D

OCEAN FRONT

TOWN HOMES

9501 COLLINS AVE.
SURFSIDE, FLORIDA

 SCHAPIRO ASSOCIATES	ARCHITECT
	ARCHITECT: SCHAPIRO ASSOCIATES Schapiro Associates, Inc. 1101 N. Pine Ave., Suite 1114 Fort Lauderdale, FL 33304 By: Harvey Schapiro Telephone: (305) 868-7324 Fax: (305) 868-7324 E-mail: hschapiro@schapiroassociates.com

PROPOSED
OCEAN FRONT TOWNHOMES

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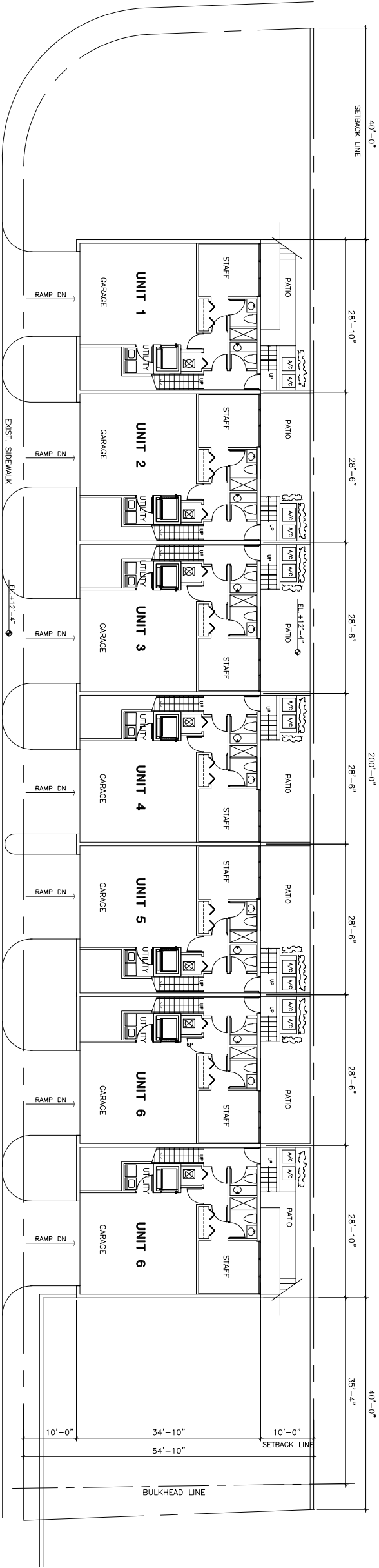
KEY PLAN

SHEET		PROJECT NO.
DATE	DATE	DATE
DESIGNED	APPROVED	OWNERS BY
DATE	DATE	DATE
REVISION	DATE	BY
P&Z SUBMITTAL 03-31-06		

BASEMENT
FLOOR
PLAN

SHEET NO.

A-1



BASEMENT FLOOR PLAN

SCALE: 3/32" = 1'-0"



LEGAL DESCRIPTION:

LOT 1, BLOCK 2, ALTOS DEL MAR No.6, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 106 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ZONING DATA:

ZONING DISTRICT - RT-1 TURIST DISTRICT
USED AS RM-1 MULTIFAMILY
LOT AREA 280 X 55 = 15,277 SQ.FT

SETBACKS : REQUIRED PROVIDED

FRONT 40' 40'
REAR 30' --'
SIDE 10' 10'
CORNER 20' 10'*

* - VARIANCE REQUIRED

HEIGHT
ALLOWED - 12 STORIES - 120'
SHOWN ----- 3 STORIES - 35.90'

No. OF UNITS

ALLOWED - 15,277/400 = 38 UNITS
SHOWN ----- 7 UNITS

PARKING

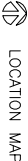
1 PER DWELLING UNIT

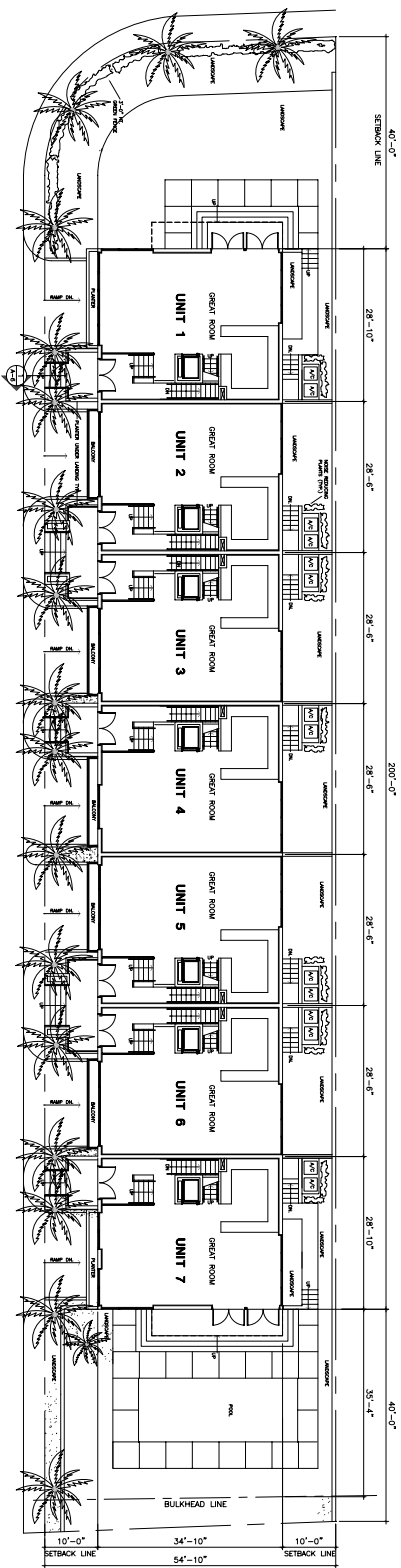
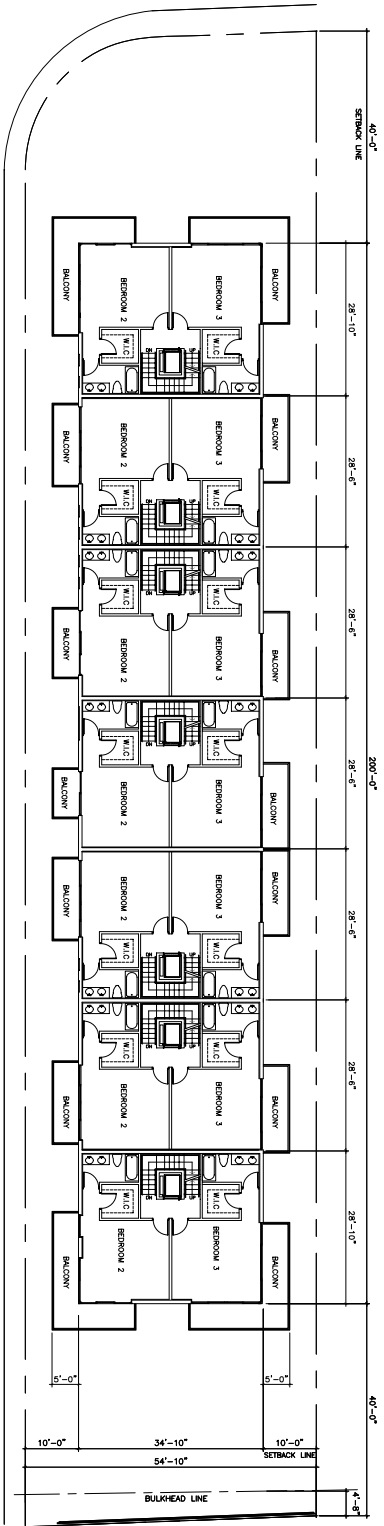
FRONT SETBACK
PREVIOUS AREA

REQUIRED PROVIDED
7 SPACES 14 SPACES
50%=1,027.5 SF. 1,030 SF.

CONSTRUCTION AREAS

DESCRIPTION		A/C AREA	NON A/C AREA	BALCONY
UNIT 1	4BD/5B/1 HALF BATH	3520	528	2410
UNIT 2	4BD/5B/1 HALF BATH	3488	528	1041
UNIT 3	4BD/5B/1 HALF BATH	3488	528	1590
UNIT 4	4BD/5B/1 HALF BATH	3488	528	1590
UNIT 5	4BD/5B/1 HALF BATH	3488	528	1590
UNIT 6	4BD/5B/1 HALF BATH	3488	528	1590
UNIT 7	4BD/5B/1 HALF BATH	3520	528	2410
TOTAL		24,480	3696	8,385





PRINT SETBACK AREA = 2,056.5 S.F.
LANDSCAPING (SHOUL) = 1,023.5 S.F.
LANDSCAPING (SHOUL) = 1,023.5 S.F.

PROPOSED OCEAN FRONT TOWNHOMES

3501 COLLINS AVE
SURFIDE, FLORIDA

SCAPARO ASSOCIATES

3501 COLLINS AVE
SURFIDE, FLORIDA 33154
Telephone (305) 988-7324
Fax (305) 988-7324
scaparo@scaparoassociates.com

BRIDGEMAN INTERIOR

3501 COLLINS AVE
SURFIDE, FLORIDA 33154
Telephone (305) 988-7324
Fax (305) 988-7324
bridgeman@bridgemaninterior.com

GROUND & SECOND FLOOR PLAN

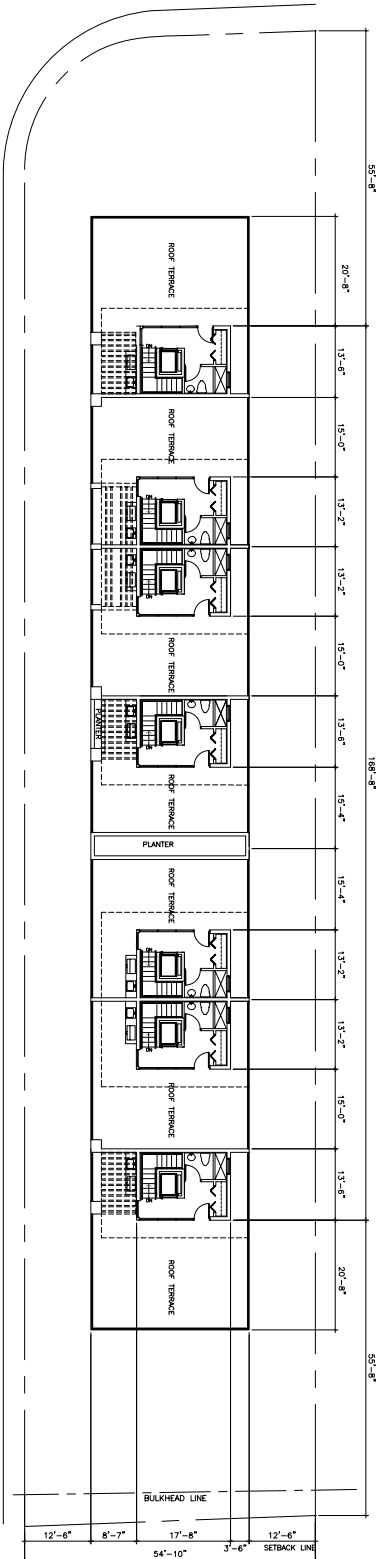
SHEET NO. **A-2**

REV. PLAN

NO.	DATE	BY	CHK.	DESCRIPTION
1	03-31-08	SC	SC	ISSUED FOR PERMIT

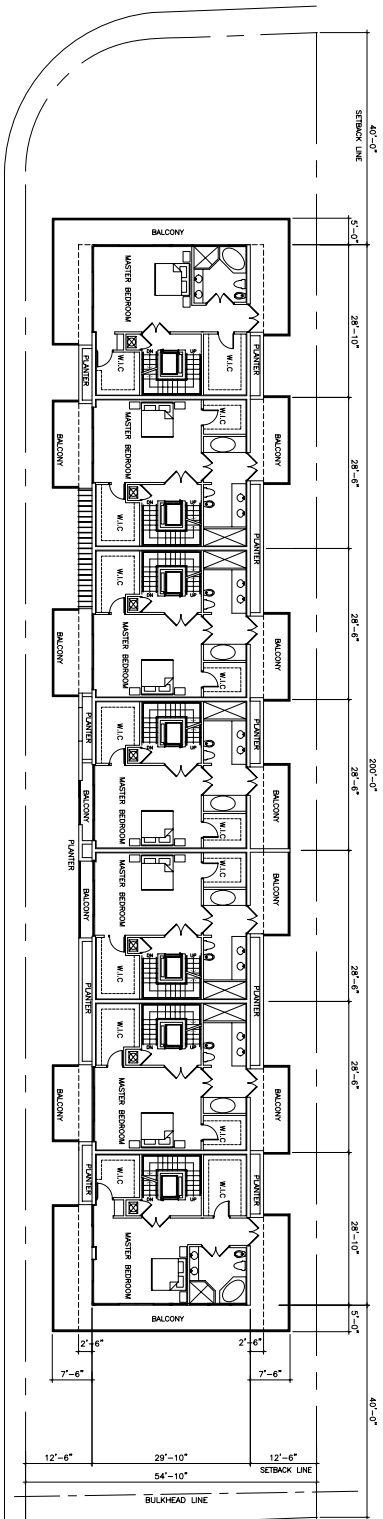
LEGEND

SYMBOL	DESCRIPTION
(Symbol)	BRIDGEMAN INTERIOR
(Symbol)	SCAPARO ASSOCIATES



ROOF TERRACE FLOOR PLAN

SCALE 3/8" = 1'-0"



THIRD FLOOR PLAN

SCALE 3/8" = 1'-0"



SCHAPIRO ASSOCIATES
ARCHITECTS

SCHAPIRO ASSOCIATES
3000 Collins Ave., Suite 1100
Boca Raton, FL 33434
Telephone: (561) 995-1234
Fax: (561) 995-1234
schapiro@schapiroassociates.com

**PROPOSED
OCEAN FRONT TOWNHOMES**

8501 COLLINS AVE
BOCA RATON, FLORIDA

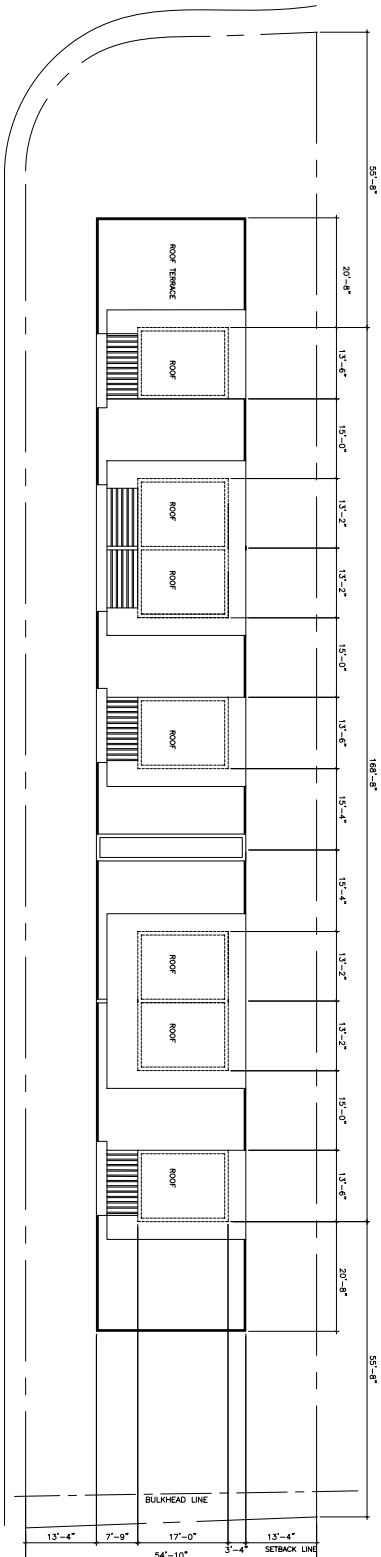
NOT TO SCALE
THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF SCHAPIRO ASSOCIATES.

DATE: 03-31-05

BY: [Signature]

THIRD &
FOURTH
FLOOR PLAN

A-3



ROOF PLAN

SCALE 3/32" = 1'-0"



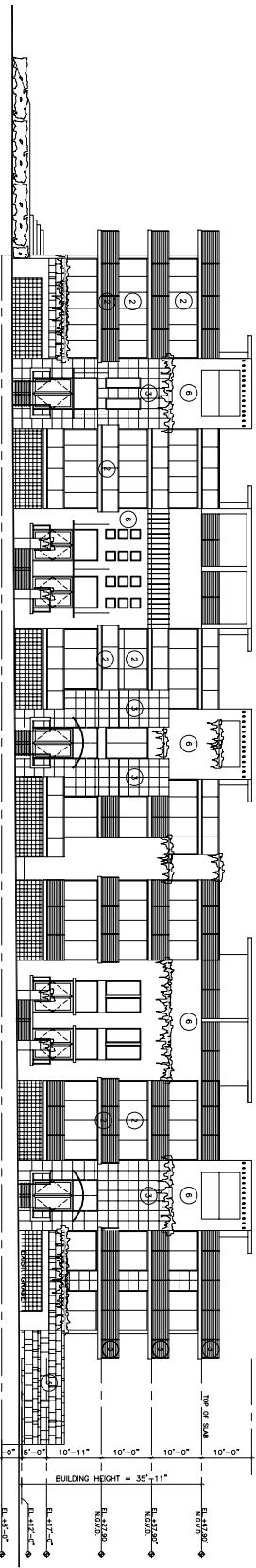
SCHAPIRO ASSOCIATES
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11111 Collins Ave., Suite 1111
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Tel: 561.995.1111
Fax: 561.995.1112
www.schapiroassociates.com

PROPOSED
OCEAN FRONT TOWNHOMES
9501 COLLINS AVE
SUITE 1111
BOCA RATON, FL 33434

DATE: 03-31-06
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

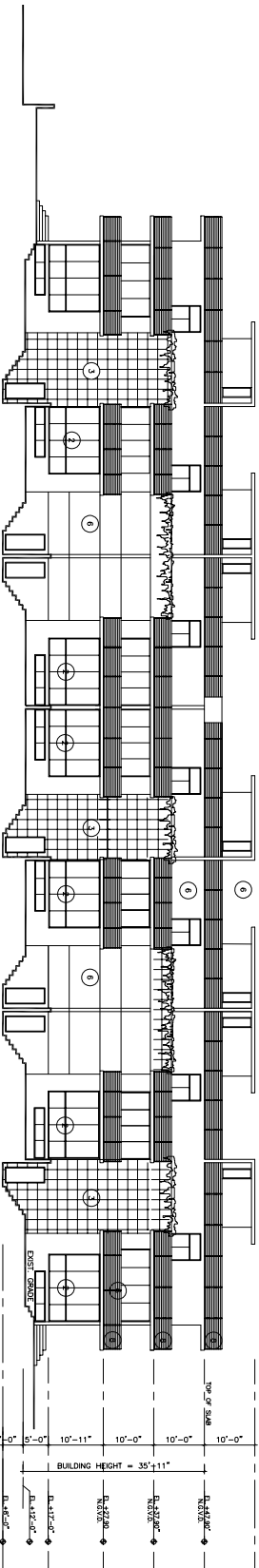
A-4

MATERIALS LEGEND:	
1	WHITE INSULUENT GLASS
2	BLUE-GREEN GLASS
3	KENTSTONE SQUARE PATTERN
4	CLARK GLASS
5	KENTSTONE ASPHALT PATTERN
6	WHITE STUCCO
7	WOODEN ALUMINUM NATURAL COLOR
8	STAINLESS STEEL CABLE RAIL



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

PROPOSED OCEAN FRONT TOWNHOMES

8501 COLLINS AVE
SURFIDE, FLORIDA


SCHAPIRO ASSOCIATES

ARCHITECTURE INTERIOR
SCHAPIRO ASSOCIATES
3000 West 10th Avenue, Suite 1104
Tampa, FL 33607
Phone: (813) 888-1234
Fax: (813) 888-1235
www.schapiroassociates.com

DATE	BY	REVISION
03-31-08	PKZ	SUBMITTAL

A-5

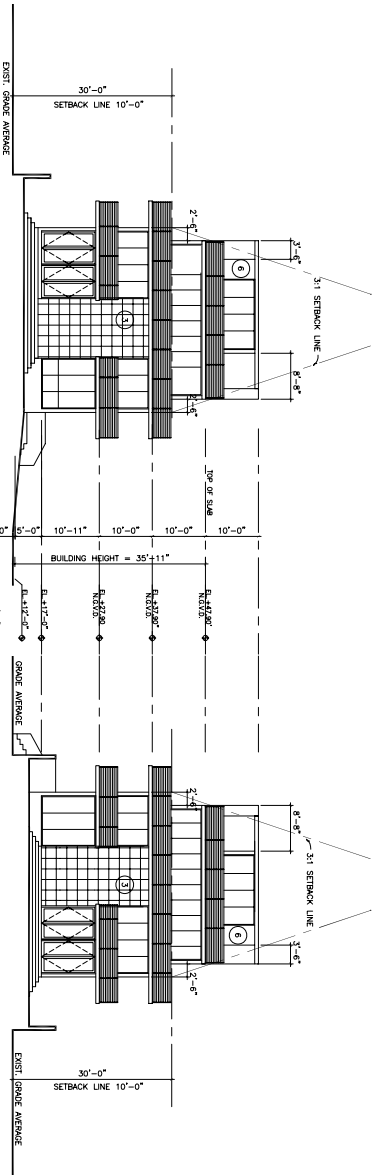
MATERIALS LEGEND:	
1	WHITE TRANSLUCENT GLASS
2	BLUE-GREEN GLASS
3	KEystone SQUARE PATTERN
4	CLAR GLASS
5	KEystone SQUARE PATTERN
6	WHITE STUCCO
7	ANODIZED ALUMINUM NATURAL COLOR
8	STAINLESS STEEL CABLE RAIL



SCHAPIRO ASSOCIATES

ARCHITECTURAL MATERIAL SPECIFICATIONS

SCHAPIRO ASSOCIATES
 8001 Collins Ave, Suite 2100
 Miami Beach, FL 33141
 Telephone: (305) 666-7124
 Fax: (305) 666-7124
 Email: info@schapiroassociates.com



WEST ELEVATION

EAST ELEVATION

SCALE 3/8" = 1'-0"

SCALE 3/8" = 1'-0"

PROPOSED OCEAN FRONT TOWNHOMES

8801 COLLINS AVE
SURFIDE, FLORIDA

NOT FOR CONSTRUCTION
 This drawing is not to be used for construction purposes without the written consent of the architect. It is the responsibility of the user to verify the accuracy of the information and to obtain all necessary permits and approvals from the appropriate authorities.

NOT FOR CONSTRUCTION

DATE	BY	REVISION
03-13-06	PRZ	SUBMITTAL 03-13-06

EAST AND WEST ELEVATIONS



SUBJECT PROPERTY



NORTH PROPERTY



FRONTING PROPERTY



SOUTH PROPERTY

Item 6.B.1
Ordinance for Second Reading

ETHICS ORDINANCE

Memo

To: Honorable Mayor Charles W. Burkett
Town Commissioners of Town of Surfside

From: Lynn M. Dannheisser, Town Attorney

Date: April 4, 2007

Re: Ethics Ordinance

Pursuant to your direction, the ethics ordinance has been revised per first reading. The latest revisions which have been made to the ordinance are outlined below:

Section 2-154, which prohibits certain appearances and payments, has been amended to make the section applicable to the businesses that the commissioner, officer and department personnel work for. This will prevent a commissioner's, officer's and department personnel's business from making appearances or receiving payments prohibited by Section 2-154.

Section 2-156(7), which relates to the disclosure of non homesteaded real property, has been revised so that the section only applies to Commissioners. Within thirty (30) days of the effective date of the ordinance, Commissioners must file a disclosure on a form to be provided by the Town Clerk. Thereafter, this disclosure must be made at the same time the County and State mandated Form 1's are filed. This revised ordinance also provides that notification to any Commissioner who neglects to timely file the disclosure required by the section must be given by the Town Clerk via certified mail if she has not received the disclosure. Town Commissioners are subject to penalties for failure to file the disclosure in the event they received the notification from the Town Clerk and failed to file the property disclosure within ten (10) days of failure notice.

Section 2-159 has been revised to forbid appointment of relatives of Commissioners to Commission appointed boards or committees. The section has been further revised to exempt current appointments from this section. The previous version allowed appointments of relatives if they were appointed by non related Commissioners.

ORDINANCE NO. 07-_____

**AN ORDINANCE OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA ADOPTING
A CODE OF ETHICS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN
THE CODE; PROVIDING FOR CONFLICTS; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in the interest of the Town and the public trust, public officials and employees of the Town should observe certain ethical standards; and

WHEREAS, codifying ethical standards helps to avoid confusion by setting forth clear standards of conduct; and

WHEREAS, the ethical standards set forth herein are the minimum ethical standards and every public official and employee, is encouraged to realize the highest ethical standard when working for the Town.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Code of Ethics. The Town's Code of Ethics is hereby created and adopted to provide as follows:

Sec. 2-149 Code of Ethics.

(a) Our government is a representative democracy. Those who are elected, appointed, hired, volunteer or campaign to serve the public as representatives accept a public trust. The public entrusts its powers and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest, which conflicts with the public interest. The Town adopts the following ordinance to provide for specific guidelines for minimum ethical standards for public servants, officials and employees.

(b) It is the policy of the Town that no officer or employee of the Town shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the Town's residents in their government, the Town will enact a Code of Ethics setting forth standards of conduct required of the Town's public officers and employees, in the performance of their official duties. It is the intent of the Town that this code shall serve as a guide for the official conduct of the public officers and employees of the Town. For the purposes of this ordinance the Term "officer" and "public officer" shall include the Town Commission and all appointed Town board and committee members.

Sec. 2-150. Code of Ethics Generally.

The conduct of the officers and employees of the Town shall be governed by the Code of Ethics of the Town, which shall include:

(1) The State "Code of Ethics for Public Officers and Employees", codified in F.S. ch. 112, as may be amended from time to time; and

(2) The "Miami-Dade County Conflict of Interest And Code of Ethics Ordinance," codified at section 2-11.1 et. seq., Miami-Dade County Code, as may be amended from time to time; and

(3) Any provisions that the Town Commission may adopt from time to time in addition to those set forth in subsections (1) and (2) above.

Sec. 2-151. Penalty.

The Ethics Commission created pursuant to Miami-Dade County Ordinance 97-105 shall have primary jurisdiction for enforcement of this code of ethics.

Sec. 2-152. Gifts.

(a) *Gift defined.* The term "gift" means the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration.

(b) *Exceptions.* The provisions of subsection (a) of this section shall not apply to:

- (1) Political contributions specifically authorized by state law;
 - (2) Gifts from relatives or members of one's household, unless the person is a conduit on behalf of a third party to the delivery of a gift that is prohibited under subsection (c) of this section;
 - (3) Awards for professional or civic achievement but only if the value of said awards is less than \$500;
 - (4) Material such as books, reports, periodicals or pamphlets either solely informational or of an advertising nature but only if the value of said material is less than \$500.
- (c) *Prohibitions.* Public officers and employees shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any public officer or employee, to accept or agree to accept from another person or entity, any gift for or because of:
- (1) An official public action taken, or to be taken, or which could be taken, or an omission or failure to take a public action;
 - (2) A legal duty performed or to be performed, or which could be performed, or an omission or failure to perform a legal duty;
 - (3) A legal duty violated or to be violated, or which could be violated by any public officer or employee; or
 - (4) Attendance or absence from a public meeting at which official action is to be taken.

Sec. 2-153. Exploitation of official position prohibited.

No advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employees, officers or quasi-judicial personnel shall use or attempt to use an official

position to secure special privileges or exemptions for that person or others except as may be specifically permitted by other ordinances and resolutions previously adopted or hereafter adopted by the Town Commission.

Sec. 2-154. Certain appearances and payment prohibited.

(a) No commissioner, officer, departmental personnel or the business entity by which they are employed, or employee shall appear before any Town board and make a presentation on behalf of a third person with respect to any matter, license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall the person receive any compensation or gift, directly or indirectly, for services rendered to a third person, who has applied for or is seeking some benefit from the Town, in connection with the particular benefit sought by the third person. Nor shall the person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the Town through the suit in question.

(b) No advisory personnel, autonomous personnel, officer or quasijudicial personnel shall appear before the Town Commission, either directly or through an associate, and make a presentation on behalf of a third person with respect to any matter, license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive any compensation or gift, directly or indirectly, for services rendered to a third party that has applied for or is seeking some benefit from the Town Commission in connection with the particular benefit sought by the third party. Nor shall the

person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the Town Commission through the suit in question.

(c) No advisory personnel, autonomous personnel, officer or quasijudicial personnel, after deliberating, considering, ruling or recommending on an application filed with the board or committee upon which they serve, shall appear before a higher board or the Town Commission to testify as an affected party.

Sec. 2-155. General Policy Employees.

(a) One (1) objective of the Town is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber as demonstrated by work performance and job behavior.

(b) Employees of the Town represent the Town in all of their dealings with the public. Their appearance, attitude, and behavior all announce to our customers, the taxpayers, what may be expected from the Town's government. For these reasons, we stress the importance of a good public image and courteous behavior as minimum standards for Town employees.

(c) It is the policy of the Town to expect from its employees compliance with all personnel rules and regulations, applicable state statutes and federal regulations, in the performance of duties, as well as compliance with all safety rules and standards.

(d) The Town advocates the concept that the quality of public service can attain maximum efficiency and effectiveness through a personnel management system based on merit principles.

(e) The foregoing provisions relating to Town employees shall also be applicable to officers.

Sec. 2-156. Conflict Of Interest.

To avoid misunderstandings and conflict of interests, which could arise, the following policy will be adhered to by employees and officers of the Town. This policy is in accordance with F.S. § 112.311 et seq., Code of Ethics for Public Officers and Employees.

(1) Employees and officers shall not accept any gifts, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties;

(2) Employees and officers shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others;

(3) Employees and officers shall not accept employment or engage in any business or professional activity, which they may reasonably expect, would require or induce them to disclose confidential information acquired by them by reason of their official position;

(4) Employees and officers shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit;

(5) Employees and officers shall not have personal investment in any enterprise, which will create a conflict between their private interest and the public interest;

(6) Employees and officers shall disclose to the Town Clerk, upon a form created by the Town Clerk, any direct or indirect interest in any for profit business relationship and any interest in real property which the employees and officers hold with any other employee or officer.;

(7) In addition to the foregoing, Town Commissioners shall disclose to the Town Clerk, upon a form created by the Town Clerk, any direct or indirect interest in non-homesteaded real property located within the Town within thirty (30) days upon purchasing said property. (Upon the passage of this ordinance, the Town Commissioners shall have thirty (30) days from the effective date, to file disclosure.) Thereafter, the Town Commissioners will be required to file the real property disclosure in accordance with this sub-paragraph (7) on a yearly basis along with his/her Form 1. However, if for any reason the Town Clerk does not receive same, s/he shall, in writing and via certified mail, request such official who has failed to file the required disclosure to do so. Thereafter, failure to make this filing, within ten (10) days from receipt of the Clerk's notice, shall result in the same penalties as failure to file a Form 1 disclosure as required by the County and State.

Sec. 2-157. Town Attorney To Render Opinions On Request.

Whenever any advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employee, officer or quasi-judicial personnel is in doubt as to the proper interpretation or application of this conflict of interest and code of ethics article, or whenever any

person who renders services to the Town is in doubt as to the applicability of the article, that person may submit to the Town Attorney a full written statement of the facts and questions. The Town Attorney shall then render an advisory nonbinding opinion to such person and shall publish these opinions without use of the name of the person advised unless the person permits the use of a name. Binding opinions may be sought from the county ethics commission. The Town Clerk shall publish these opinions on the Town's website.

Sec. 2-158. Lobbying.

This section shall be applicable to all lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of this section shall be applied in a cumulative manner.

(1) Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

- a. TOWN PERSONNEL — Those Town officers and employees specified to include the Mayor and Town Commissioners, Town board or Town committee members, and all Town employees.
- b. LOBBYIST — All persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the Town Commission; (2) any action, decision, recommendation of a Town board or committee; or (3) any action, decision or recommendation of Town personnel during the time

period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the Town Commission, or a Town board or committee. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item or attorneys who represent a client in relation to any quasi-judicial matter.

c. PRINCIPAL — All persons, firms, or corporations who employ a lobbyist.

(2) Lobbyist registration, fees, renewal and withdrawal.

a. All lobbyists shall register with the Town Clerk before engaging in any lobbying activities in the Town. Every person required to register as a lobbyist shall:

i. Register as a lobbyist

1. Complete the annual lobbyist registration form, as prepared by the Town Clerk, stating under oath his or her name, business

address, and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified.

2. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in the corporation, partnership, or trust.

ii. Pay an annual lobbyist registration fee of \$250.

iii. Register and disclose terms for each principal represented.

1. Complete the annual principal registration form, as prepared by the Town Clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is authorized to represent him/her/it, together with a disclosure of whether any bonuses, success fees, or other consideration shall be received for such lobbying activities.

2. Pay an annual principal registration fee of \$100.
3. However, if multiple lobbyists from the same firm represent the same principal, only one registration and applicable fee are required to be filed for that principal. Any lobbyist from the same firm may submit the necessary documents.

iv. File a lobbyist expenditure report.

1. By January 15 of each year, all lobbyists shall submit to the Town Clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events, and Town personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the Town Clerk.
2. The Town Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties

which may be imposed, a fine of \$50 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by January 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed.

3. A lobbyist or principal may appeal a fine and may request a hearing before the Town Commission. A request for hearing on the fine must be filed with the Town Clerk within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.

v. File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.

b. All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the Town Clerk.

(3) Expiration of lobbyist and principal registrations. All lobbyist and principal registrations expire December 31 of each year.

(4) Processing of registration fees. The registration fees required by this section shall be deposited by the Town Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining

these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal, and the Town Commission may, in its discretion, waive the lobbyist and/or principal registration fee upon a finding of financial hardship.

(5) Change in lobbyist information. Any change to the information originally filed pursuant to this section shall require that the lobbyist file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports. Additionally, in the event official action on the specific lobbying issue is scheduled to occur during said three-day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly stating on the record, at which the official action is to occur, the subject amendment. The lobbyist has a continuing duty to supply accurate information and amend said reports when so needed.

(6) Creation of a lobbyist log. The Town Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to § 11.045, Florida Statutes.

(7) Town Clerk to publish information. The Town Clerk shall publish to the Town Commission, Town appointed boards or committees, Town Manager and other personnel a list of registered lobbyists and their principals, for which they are authorized to lobby, and any other disclosure made to the Town Clerk that is required pursuant to state and

county law. The information shall be disseminated by the Town Clerk prior to Town Commission meetings and public hearings.

(8) Town sign-in sheet. Every lobbyist and principal of a local business shall sign in at the front desk each time he or she meets with Town personnel at a Town facility, or shall deliver a memorandum of said meeting to the Town Clerk within 24 hours of meeting with Town personnel at any other location, and shall inform the Town Clerk, in writing, of (1) the name of the lobbyist or the principal of the local business; (2) the Town personnel in attendance; (3) the time and place of the meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

(9) Penalties for violation.

- a. The Town Clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
- b. A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County

Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

- c. The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the Town Commission or any committee, board or personnel of the Town as provided herein.

- i. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- 1. First violation: for a period of 90 days from the date of determination of violation.
 - 2. Second violation: for a period of one year from the date of determination of violation.
 - 3. Third violation: for a period of five years from the date of determination of violation.

ii. As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.

d. A contract entered into in violation of this section shall also render the contract voidable. The Town Manager shall include the provisions of this section in all Town bid documents, RFP, RFQ, and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

e. All members of the Town Commission, and all Town personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Town Commission members or Town personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the Town Commission members, or Town appointed committee or board or Town personnel.

(10) Lobbyist contingency fees prohibited. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the Town Commission; (2) any action, decision or recommendation of the Town Manager or any Town appointed board or committee; or (3) any action, decision or recommendation of Town personnel during the time period of the entire decision-making process regarding such action, decision or recommendation

which foreseeably will be heard or reviewed by the Town Commission, or a Town appointed board or committee.

(11) Conflict provision. It is acknowledged that Section 2-11.1(s) of the Miami-Dade County Code is a minimum standard to govern lobbying activities. If there is any conflict between this section and the County Code, this section shall control.

Sec. 2-159. Relatives of Commissioners on Boards and Committees.

No relative of a Commissioner may serve on any Commission appointed board or committee. For the purposes of this section relative shall mean, the Commissioner's spouse, parent, children, step children, grandparent, aunt, uncle, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, first cousin, or grandchild. This section shall not apply to appointments made prior to the enactment of this ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by:_____

Second by:_____

Vote:

Mayor Burkett	yes____	no____
Vice Mayor Weinberg	yes____	no____
Commissioner Blumstein	yes____	no____
Commissioner Imberman	yes____	no____
Commissioner Levine	yes____	no____

Item 6.B.2
Ordinance for Second Reading

TERM LIMITS ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR AMENDMENT OF THE TOWN CHARTER BY AMENDING ARTICLE II “TOWN COMMISSION, SECTION 5, “NUMBER; SELECTION; TERM.” TO INCLUDE TERM LIMITS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter referencing Section 5.03 of Article 5 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, the Town Commission wishes to submit these proposed charter amendments for approval or rejection by the electors; and

WHEREAS, pursuant to law, the electors of the Town shall have the power to approve or reject at the polls any ordinance submitted by the Town Commission to a vote of the electors.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals: The recitals are incorporated herein and made a part of this Ordinance by reference.

Section 2. Proposed Amendment:¹

Article II, Section 5 is amended as follows:

Sec. 5. Number, Selection; Term and Term Limits.

- (1) The commission shall have five members elected from the town at large in the manner and for terms provided in Article VI, or until their successors have been elected and take office.
- (2) Beginning with the 2008 election, no person shall serve as Commissioner or Mayor for more than eight (8) consecutive years provided that nothing herein shall prevent a Commissioner who has served eight (8) consecutive years as

¹ The words that are underscored constitute the proposed amendments to the section once it is approved.

Commissioner from seeking the position of Mayor for one (1) additional term as Mayor, if elected.²

(3) Commission seats three (3) and four (4) shall not be subject to the term limitation provided herein until the 2010 election.³

Section 3. Form of Ballot: The form of ballot of the charter amendments provided for in Section 2 shall be as follows:

Election and Term of Office of Mayor and Commission Members.

The Charter currently does not provide for term limits. It is proposed that the Mayor and Commissioners be limited to eight (8) consecutive years provided that any Commissioner after having served eight (8) consecutive years may thereafter serve one (1) additional term, as Mayor, if elected.

Shall the above-described amendment be adopted?

Yes ☐

No ☐

Section 4. Charter Amendment to be Available for Public Inspection, and for the Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections: The place, information and the full text of the proposed charter amendments are available at the Office of the Town Clerk located at 9301 Collins Avenue, Surfside, Florida. Copies of this ordinance providing for this charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. The Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 5. Providing for Inclusion in the Town Charter: It is the intention of the Mayor and Town Commission and it is hereby ordained that the provisions of this ordinance shall become and made a part of the Charter of the Town of Surfside, Florida, as to each charter amendment measure approved by a majority of voters on such measure

² A candidate who once served as an elected official for the Town may seek office again after sitting out a minimum of one (1) elected term.

³ In the event that the ballot question providing for four (4) year terms for the Town Commission is not approved by the electorate, then this provision deferring the term limit intent for seats three (3) and four (4) beginning in at the 2010 election as described in this section shall not have any force and effect and all seats shall be limited as provided herein without exception. As this is a transition provision, and in the event the charter amendment ballot question entitled "Election and Term of Office of Mayor and Commission Members" is approved, this paragraph shall expire after the 2010 election.

in such election; that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 6. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the Town at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

"NOTICE OF ELECTION

PUBLIC NOTICE IS HEREBY GIVEN
THAT PURSUANT TO ORDINANCE NO.
_____ ADOPTED BY THE TOWN OF
SURFSIDE, FLORIDA, AN ELECTION
HAS BEEN CALLED AND ORDERED
TO BE HELD WITHIN THE TOWN ON
TUESDAY, THE _TH DAY OF ____, 2007
BETWEEN THE HOURS OF 7:00 A.M.
AND 7:00 P.M., AT WHICH TIME THE
FOLLOWING CHARTER AMENDMENT
PROPOSALS SHALL BE SUBMITTED
TO THE QUALIFIED ELECTORS OF
THE TOWN.

Section 7. Severability: The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Effective Date: This ordinance shall become effective upon adoption on second reading, and each of the charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

PASSED AND ADOPTED upon first reading by a _____ vote of the Town Commission of Surfside, Florida, this ____ day of _____, 2007.

PASSED AND ADOPTED upon second reading by a _____ vote of the Town

Commission of the Town of Surfside, Florida, this ____ day of _____,
2007.

Charles W. Burkett, Mayor

ATTEST:

Beatris Arguelles, Town Clerk

APPROVED AS TO FORM:

Lynn M. Dannheisser, Town Attorney

6.B.3

Ordinance for Second Reading

**BEACH CHAIRS / UMBRELLA RENTALS
ORDINANCE**

ORDINANCE NO. 07-_____

**AN ORDINANCE OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA AMENDING
CHAPTER 86 “WATERWAYS”, SECTION 86-41
“PEDDLING”; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR CONFLICTS; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the Code currently forbids carrying on of any business on the beach; and

WHEREAS, the Town wishes to rent chairs and similar items and create a Town Beach Club on the Town of Surfside beach.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Conduct on Beach Clarified. Chapter 86 “Waterways”, Article II “Public Beaches”, Division 2 “Conduct”, Section 86-41 “Peddling” is hereby amended to read as follows: ¹

Sec. 86-41. Peddling.

No person, firm or entity (other than the Town of Surfside) shall sell, ~~peddle~~, or rent goods or services or carry on any business on the beaches coming under this division, unless specifically approved by the Commission.

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective adoption.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Ordinance No. 07-_____

Lynn M. Dannheisser, Town Attorney

Moved by:_____

Second by:_____

Vote:

Mayor Burkett	yes	no
Vice Mayor Weinberg	yes	no
Commissioner Blumstein	yes	no
Commissioner Imberman	yes	no
Commissioner Levine	yes	no

Item 6.C.1

Ordinance for First Reading

CODE ENFORCEMENT ORDINANCE

ORDINANCE NO. 07-_____

**AN ORDINANCE OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA AMENDING
CHAPTER 15 “CODE ENFORCEMENT”;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE CODE; PROVIDING FOR
CONFLICTS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town wishes to update its code enforcement procedures in order to make the process more efficient and in order to be in compliance with state law.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. **Code Enforcement.** Chapter 15 “Code Enforcement” of the Town Code is hereby amended to read as follows:¹

Sec. 15-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include future, words in the plural number include the singular number and vice versa. The word "shall" is always mandatory and not merely directory.

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

Civil violation notice sometimes referred as "citation" means a civil violation notice issued to a violator in accordance with the provisions of this chapter.

Code means collectively the Town of Surfside town ordinances, codes, resolutions, rules and regulations promulgated thereunder, all rules and regulations of the ~~South~~ Florida Building Code, applicable sections of the Code of Miami-Dade County and all rules and regulations of the state board of health and the hotel and restaurant division of the department of professional regulation as made applicable to the town, or such other land development regulations or ordinances as may be adopted by the town.

Code compliance officer(s) means any authorized agent or employee of the town whose duty it is to assure compliance with the Code. The term officer or inspector shall be interchangeable and shall have identical meaning.

Commission means the town commission.

Continuing violation means a violation which remains uncorrected beyond the time period for correction contained in either the civil violation notice or the final order of the special master, whichever is applicable. In all cases where a civil violation notice was issued and the time period not determined to be unreasonable pursuant to section 13-43(1) hereof, the time period contained in the civil violation notice shall begin on the date of the civil violation notice.

Manager means the town manager or his designee.

Person means any individual, partnership, limited partnership, trust, corporation, association, or other entity.

Repeat violation means a violation of a provision of the Code or ordinance by a person whom the special master has previously found to have violated the same provision of the Code within

five years prior to the violation. A repeat violation can occur only after correction of the previous violation has been made.

Special master or special magistrate means a person appointed pursuant to this chapter ~~section 15-3~~ hereof.

Town means the Town of Surfside.

Violator means any person or entity responsible for a violation of the Code or the owner of the property involved.

Uncorrectable violation means a violation which is irreparable or irreversible in nature.

Sec. 15-2. Code compliance officer(s); appointment by the town manager.

The town manager shall appoint one or more code compliance officers to administer and enforce the provisions of this Code. Such code compliance officers may be agents or employees of the town, including law enforcement officers, appointed by the manager, whose duties may be in addition to other duties.

Sec. 15-3. Same--Powers and duties generally.

The code compliance officer shall be responsible to:

(1) Enforce the provisions of all town ordinances, codes, resolutions, rules and regulations promulgated thereunder, all rules and regulations of the ~~South~~ Florida Building Code, and all rules and regulations of the state board of health and the state hotel and restaurant commission, in cooperation with such state agencies.

- (2) Investigate complaints, make a continuing study of all buildings, structures and lots in the town, institute actions necessary to abate violations of all town, county and state laws and regulation governing the use and occupancy of such buildings, structures and lots and prosecute for violations of such regulations.
- (3) Make appropriate surveys and inspections to determine whether the provisions of the Code are being complied with and whether minimum standards are being maintained.
- (4) Make inspections of all lands, buildings, premises or facilities and equipment in accordance with procedures prescribed by this Code to determine whether the provisions of this Code are being complied with and make recommendations for methods by which compliance may be more effectively maintained.
- (5) Establish, operate and maintain a continuous program for monitoring and inspection of buildings and lots in the town, designed to provide accurate data and information as to whether the provisions established by this Code are being complied with and whether the level of adequate property facilities is increasing or decreasing in the town.
- (6) Publish and disseminate information to the public concerning matters relating to code compliance and the advantages of such compliance.
- (7) Make periodic reports concerning the status of zoning and planning requirements and property maintenance standards and the enforcement of the provisions of this code, and recommendations concerning the improvement of compliance and controls.
- (8) Perform such other administrative duties as may be assigned by the manager, which duties may be in addition to other duties.

Sec. 15-4. Same--Identification.

The code compliance officer shall be furnished with an official identification card which shall contain the name of the officer, his/her photograph, pertinent descriptive identifying information and such other matters designed to facilitate recognition by the public of the status of such official. Upon request, the code compliance officer shall exhibit such identification when entering any lands, building or premises. The requirements of this section shall not in any way be construed as relieving the code compliance officer from compliance with the procedures prescribed in this chapter for making inspections.

Sec. 15-5. Same--Inspection of lands and buildings.

(a) *Inspection of lands and the exterior of buildings.* The code compliance officer is hereby authorized to make inspections to determine the condition of all lands and the exterior of all buildings and premises. For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine and survey all lands and the exteriors of all buildings or any other structures or premises.

(b) *Inspection of lands and the interior of buildings.* The code compliance officer is hereby authorized to make inspections, after written notice to the owner or occupant of such property setting forth the time and the date inspection is to be made, to determine the condition of all lands and the interior of all buildings and premises. For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine and survey all lands, buildings or any other structures or premises.

(c) *Duties of owners or occupants of lands and buildings.* The owner, operator or occupant of every land or building, or the person in charge thereof, shall give the code compliance officer free access at all reasonable times for the purpose of such inspection, examination and survey, and shall supply as correctly and promptly as possible all information requested by the code compliance officer. Every occupant of any land or building shall give the owner thereof, or his/her agent or employee, access to any part of such land or building or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Code or with any rule, regulation or lawful order issued pursuant to the provisions of this Code. ~~Failure to permit an inspection to be made in compliance with the provisions of this section shall constitute a violation of this Code and shall subject the violator to the penalties prescribed herein.~~

Sec. 15-6. Civil infractions and penalties.

A violation of the Code shall constitute a civil offense punishable by civil penalty as prescribed in sections 1-8 of the Code and section 15-18 hereof.

Sec. 15-7. Qualifications of special masters; appointment and removal; compensation.

Appointments and renewal of appointments of special masters shall be made by the manager, as needed, on the basis of experience, skills and abilities and, whenever possible, shall include persons with legal, zoning, engineering and/or construction experience. Such appointments shall be made for a term of ~~six months~~ one year and first time appointments shall be submitted to the commission for ratification of the manager's appointments.

- (1) Special masters need not be residents of the town.
- (2) Appointments shall be made for a term of one year ~~six months~~. Special masters may be removed, without cause, at the discretion of the manager. Appointments to fill any vacancy shall be for the remainder of the unexpired term.
- (3) Special masters shall not be town employees and shall be compensated in the amount and in the manner determined by the manager.
- (4) If a special master is removed from a case in the event of a conflict of interest, the case may be assigned to another special master.
- (5) If requested by the special master, the town shall provide ~~prosecutor shall serve as counsel, other than the town attorney,~~ to the special master. Upon request of the Town Manager or designee, the town attorney shall assist the Town in prosecuting the case. If an appeal is taken, the town attorney ~~prosecutor~~ shall represent the town at such proceeding.

Sec. 15-8. Powers of the special masters.

Special masters shall have the power to:

- (1) Adopt the rules for the conduct of hearings.
- (2) Subpoena violators and witnesses for hearings; subpoenas shall be served by the town police department or by the manager or his/her designee.
- (3) Subpoena evidence for hearings.
- (4) Take testimony under oath and review evidence to make findings of fact and draw conclusions of law.
- (5) Assess and order the payment of civil penalties as provided herein.

- (6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- (7) Assess administrative costs.
- (8) Reduce liens according to the guidelines outlined herein.

Sec. 15-9. Authority to initiate enforcement proceedings.

- (a) Code compliance officers shall have the authority to initiate code enforcement proceedings and to issue notices of civil violations as provided below. Special masters shall not have such authority. A code compliance officer shall not by such designation have powers of arrest or subject the officer to the requirements of Sections 943.085--943.255, F.S.
- (b) At any time prior to a hearing as described in section 15-13, the manager with the concurrence of the town attorney may resolve or settle a matter by an agreed or stipulated order. Any matter that is the subject of such order that may have already been scheduled for a hearing before a special master shall be withdrawn from the special master's docket if so resolved or settled. A special master shall hear only cases which cannot otherwise be resolved by the manager.

Sec. 15-10. Contents and service of the civil violation notice.

- (a) A code compliance officer who, based upon personal investigation, finds a violation of the Code shall issue a "civil violation notice" to the violator stating that the violator has committed a violation of the Code and which notice shall specify a reasonable time period, not to exceed 30 days, within which the violator must correct the violation.

(b) If a code compliance officer has reason to believe that the violation represents a serious threat to the public health, a serious nuisance to safety or welfare or if the violation is an uncorrectable violation as defined above, the correction period shall not be applicable and the "civil violation notice" shall be issued immediately without specifying any time period. In addition, the special master, or if the violator does not timely correct the violation or request an administrative hearing to appeal the civil violation notice as required by section 15-12(a) hereof, the code compliance officer shall immediately notify the town, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with any fine imposed.

(c) If a code compliance officer finds a repeat violation, the code compliance officer shall issue a "civil violation notice" to the violator but is not required to give a reasonable time to correct the violation. ~~The code compliance officer, upon notifying the violator of a repeat violation, shall notify the manager in writing.~~

(d) A civil violation notice ~~or citation~~ shall include:

- (1) The date and time of issuance.
- (2) The name and address of the person, persons or entities to whom the civil violation notice ~~citation~~ is issued.
- (3) The date and time when the violation was committed or observed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the Code or Ordinance violated.
- (6) The name and authority of the code compliance officer.

(7) The procedure for the person to follow in order to pay the penalty or to contest the civil violation notice ~~citation~~.

(8) The applicable civil penalty if the person elects to contest the civil violation notice ~~citation~~.

(9) The applicable civil penalty if the person elects not to contest the civil violation notice ~~citation~~.

(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear to appeal the civil violation notice as set forth in section 15-12(a)(3) hereof within seven days after service of the civil violation notice, the person shall be deemed to have waived his or her right to contest the civil violation notice ~~citation~~ and that, in such case, an order or judgment may be entered against the violator for the amount of the civil penalty.

(11) A statement that the violator may be liable for the reasonable administrative hearing costs should he be found guilty.

(e) Service of the civil violation notice ~~or citation~~ on the violator shall be effected by hand delivery to the violator; by leaving the notice of violation at the violator's usual place of residence with any person residing therein who is 15 years of age or older and informing such person of the contents of the notice of violation; by overnight courier; by certified mail (return receipt requested) to the violator's usual place of residence or other property, which service shall be deemed completed upon signing of the receipt; or by posting the civil violation notice in a conspicuous place on the premises or real property upon which the violation was observed. Any method of service of the notice of violation described above, shall be deemed proper service, and the time for compliance stated in the civil violation notice shall commence with the date of such serving. Any person who willfully refuses to sign and accept a civil violation notice ~~citation~~

issued by a code compliance officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, F.S.

Sec. 15-11. Civil penalties and related terms construed.

(a) Penalties for violations of the provisions to be enforced through this chapter shall be in the amounts prescribed in the schedule of civil penalties contained in section 15-18 hereof; provided, however, that the maximum civil penalty shall be \$250.00 for a first time single violation. If the violation is continuing or repetitive, a separate violation will occur each day beyond the date of the civil violation notice.

(b) For each day of a continued violation, an additional penalty in the same amount as that prescribed for in the original violation shall be added.

(c) Uncorrectable violations as defined in section 15-1(l) above may be assessed a fine not to exceed \$5,000.00 per violation.

(d) Civil penalties assessed pursuant to this section are due and payable to the Town of Surfside on the first day after a violator has not timely requested an administrative hearing pursuant to section 15-12(a)(3), or if such request was timely filed, when the order of the special master imposing a fine is final. ~~on the last day of the period allowed for the filing of an appeal from the special master's decision, or, if an appeal under section 15-15(a) hereof is properly made, when the appeal has been decided adversely to the named violator.~~

(e) For the first repeat violation, the amount of the civil penalty shall be double the amount of the penalty prescribed for the original violation by section 15-18 hereof. The amount of civil penalty due for each subsequent repeat violation shall be double the amount of penalty due for

the first day of the immediately preceding violation, provided that the maximum penalty payable for the first day of any one repeat violation shall be \$500.00, and in addition, shall include all costs incurred by the town to bring the property into compliance.

(f) A repeat violation which remains uncorrected beyond the time prescribed for correction in the civil violation notice shall be treated as a continuing violation, and the additional penalty for each day of continued violation shall be double the amount due for the first day of the repeat violation.

(g) If the repeat violation has been corrected, the special master retains the right to schedule a hearing to determine costs and to impose penalties for the period of non-compliance and the payment of reasonable enforcement fees upon the violator.

(h) A repeat violation includes a violation by an entity which has one or more officers, major shareholders or general partners in common with another entity that violated the same code provision within five years of the current violation. For purposes of this section a major shareholder shall be one who owns at least 25 percent of the shares of that corporation. This paragraph shall apply only where the common officer(s), major shareholder(s), or general partner(s) are or were actively involved in the management of the entity committing the violation at the time when the violation occurred.

(i) Continuing violation penalties shall accrue from the date for correction given in the civil violation notice until correction is made or until a request for administrative hearing is timely filed, whichever is first. ~~No continuing violation penalties shall accrue during the time period from the date of the civil violation notice until the date of the administrative hearing, if the~~

~~named violator timely requests an administrative hearing to appeal the decision of the code inspector.~~

(j) Civil penalties assessed pursuant to this chapter are due and payable to the town immediately according to the time set forth in the applicable order. ~~on the last day of the period allowed for the filing of an appeal from the special master's decision, or, if a proper appeal is made, when the appeal has been finally decided adversely to the named violator.~~

Sec. 15-12. Rights of violators; payment of fine; right to appeal; failure to pay and correct or to appeal.

(a) A violator who has been served with a civil violation notice shall elect to:

(1) Correct the violation within the time specified on the civil violation notice to avoid the civil penalty; ~~or~~ and

(2) Pay the civil penalty in the manner and within the time indicated on the notice of violation for each day of continuing violation; or

(3) Request an administrative hearing within ~~seven~~ twenty days before a special master to appeal the decision of the code compliance officer which resulted in the issuance of the civil violation notice.

(b) An appeal of the civil violation notice shall be accomplished by filing a request in writing setting forth the specific grounds of fact and in law for the appeal, at the address indicated on the civil violation notice, not later than ~~seven~~ twenty calendar days after the service of the civil violation notice. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to an

administrative hearing before a special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.

(c) If the named violator, after service of civil violation notice, fails to correct the violation within the time specified and pay the civil penalty, or timely request an administrative hearing before a special master, the code compliance officer shall prepare an affidavit of ~~non-compliance~~ default. The affidavit must so reflect and must set forth a request that the special master issue an order finding the violator guilty of a continuing violation, imposing continuing violation penalties to be effective beginning on the date of the civil violation notice, and ending at the date that the penalty is paid or the violation corrected, whichever occurs later. The manager or designee, in consultation with a special master, shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as practicable.

Sec. 15-13. Scheduling and conduct of hearing.

(a) Upon receipt of a named violator's timely request for an administrative hearing, for any civil violation notice in which a date of correction has been given, or upon receipt of affidavit(s) of non-compliance, from the code compliance officer the special master shall set the matter down for hearing on the next scheduled hearing date or as soon thereafter as possible.

(b) The manager shall send a notice of hearing by first class mail to the named violator at his last known address. The notice of hearing shall include, but not be limited to, the following:

- (1) The name of the code compliance officer who issued the civil violation notice.
- (2) The factual description of the alleged violation constituting reasonable cause.
- (3) The date of alleged violation.

- (4) The section of the Code allegedly violated.
- (5) The place, date and time of the hearing.
- (6) The right of a violator to be represented by an attorney.
- (7) The right of violator to present evidence, witnesses and cross-examine witnesses, if not waived pursuant to section 15-10(d).
- (8) Notice that failure of the violator to attend the hearing may result in a civil penalty and administrative hearing costs being assessed.
- (9) Notice that requests for continuances will not be considered unless received by the special master at least five calendar days prior to the date set for the hearing, and absent a showing of good cause.
- (c) If there are cases to be heard, the special master shall call hearings on a monthly basis or upon the request of the manager. Except for such circumstances as described in section 15-10(b) above, no hearing shall be set sooner than ten calendar days from the date of service of the civil violation notice, excluding Saturdays, Sundays and holidays.
- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by a special master and the manager at least five calendar days prior to the date set for the hearing.
- (e) All hearings of a special master shall be open to the public. All testimony shall be under oath. Upon proper prior notice, a hearing shall proceed in the absence of the named violator or the special master may enter a default order.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(g) The town clerk shall provide clerical services and the manager shall provide administrative personnel as may be reasonably required by special masters for the proper performance of their duties.

(h) Each case before a special master shall be presented by the manager, his or her designee or the town attorney. The manager shall have the authority to retain legal counsel for the special master upon request. ~~pursuant to conditions adopted by the commission.~~

(i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses, but fundamental due process shall be observed and shall govern the proceedings.

(j) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witnesses regardless of which party first called that witness to testify; and to offer rebuttal of the evidence.

(k) A special master shall make findings of fact and conclusions of law based on evidence of record. In order to make a finding upholding the code compliance officer's decision, a special master must find that a preponderance of the evidence indicates that the named violator was responsible for the violation of the relevant section of the Code.

(l) The time for correction given by the code compliance officer to the named violator and contained in the civil violation notice is rebuttably presumed to have been a reasonable time for correction. Upon presentation of relevant evidence by the named violator that the time for correction was not reasonable, however, the special master may make a redetermination as to the time period being insufficient. If a special master determines that the time given for correction

was insufficient, the penalty for a continuing violation shall be calculated from the date determined by a special master to have been a reasonable date for correction.

(m) The fact-finding determination of the special master shall be limited to whether or not the violation alleged occurred, and, if so, whether the person named in the notice of violation may be held responsible for that violation. Based upon this fact-finding determination, a special master shall either affirm or reverse the decision of the code compliance officer as to the responsibility of the named violator of the code violation and/or the time for correction contained in the notice of violation, subject to the provisions of subsection (l) above. If a special master reverses the decision of the code compliance officer and finds the named violator not responsible for the code violation in the alleged civil violation notice because the town did not present a preponderance of evidence to indicate that such violator is responsible for the violation, then, and in that case, the named violator shall not be liable for the payment of any civil penalty, absent reversal of the special master's findings pursuant to section 15-15 hereof.

(n) If the decision of the special master is to affirm the decision of the code compliance officer, the following elements shall be included:

- (1) The amount of civil penalty based on the schedule of civil penalties.
- (2) Administrative costs of hearing in the amount of not less than ~~\$60~~200.00.
- (3) The date by which the violation must be corrected to prevent resumption of continuing violation penalties, if any.

(o) If correction is not made within the period set by the special master, continuing violation penalties shall begin to accrue again after the time for correction has run and the code enforcement officer has filed an affidavit of non-compliance and a notice of continuing violation.

The code enforcement officer shall serve on the violator a copy of the affidavit of non-compliance and a notice of continuing violation which shall include the following:

- (1) Date of issuance.
- (2) A reference to the order of the special master that continues to be violated.
- (3) Notice of the right to request an administrative hearing before the special master and instructions on how to file the request.
- (4) Notice that failure to request an administrative hearing within 20 days after the date of the notice of continuing violation shall constitute a waiver of the right to a hearing.
- (5) Notice that the hearing is strictly limited to whether and when the violator complied with the order of the special master.
- (6) Notice that the violator shall be liable for the reasonable costs of the administrative hearing if the violator is unsuccessful at the hearing. At reasonable intervals, a violator may request an inspection to determine compliance with an order of the special master. After his inspection, the code enforcement officer shall issue an affidavit of non-compliance and notice of continuing violation or an affidavit of compliance, in recordable form, as appropriate.

Sec. 15-14. Recovery of unpaid civil penalties, unpaid penalty to constitute a lien, foreclosure, reduction of penalties.

- (a) The ~~original~~ or a certified copy of the special master's order imposing a civil penalty may be recorded in the public records and thereafter shall constitute a lien against the property on which the violation exists and upon any other real or personal property owned by the violator; upon proceedings in the circuit court, such order may be enforced in the same manner as a court

judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this chapter shall continue to accrue until the violator complies or until judgment is rendered in a suit to foreclose a lien filed pursuant to this chapter, whichever occurs first. After three months from the date of filings of any such lien which remains unpaid, the town may foreclose or otherwise execute upon the lien.

(b) No lien provided under this chapter shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on a lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party shall recover interest and all costs, including a reasonable attorney's fee, incurred in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(c) The town may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties.

(d) The special master shall have the power to order the reduction of fines as follows:

(1) The violator or violator's successors or assigns, may file a request for a reduction of the fine before the special master only after a compliance inspection is completed during which a code compliance officer finds that all violations were corrected. Upon receipt of a written request for reduction of fine, and the filing of an affidavit of partial compliance by the code compliance officer which sets forth that all outstanding violations of the order of the special master have been corrected, except for payment of any outstanding

finest, the Manager or designee, shall set the matter for hearing. If the Town has initiated further enforcement action to obtain compliance with the order of the special master, including but not limited to an action for injunctive relief, foreclosure, or money judgment, the violator may not file a request for reduction of fine and no hearing shall be set. If the violator has already filed a request for reduction of fine, and a hearing has already been set, the hearing will not take place.

(2) At the hearing, the fact-finding determination of the special master shall be limited to evidence establishing:

(a) good cause for reduction of the fine;

(b) the amount of the reduction;

(c) any equitable considerations raised by the violator relating to good cause or the amount of the reduction.

Said hearing shall not be an opportunity to appeal any finding of fact or conclusions of law set forth in any prior order of the special master or any administrative determination of the Town.

(3) The special master may reduce the fine once a violator has otherwise complied with an order of the special master based upon a showing of good cause. In determining good cause and the amount of reduction, if any, the special master shall consider:

(a) the gravity of the violation;

(b) any actions by the violator to correct the violation;

(c) any previous, or other outstanding violations committed by the violator or pertaining to the property to which the lien attaches, unless an order finding a violation is under appeal at the time of determination;

(d) whether the violation is irreparable or irreversible in nature;

(e) whether the violator's failure to timely comply with an order of the special master is due to an inability to comply based on factors beyond the control of the violator.

(4) Upon a finding of good cause, the special master has the sole discretion to grant or deny the request for the reduction of fine. If the fine is reduced, the order of the special master shall provide that if the violator fails to pay the reduced fine by the date ordered by the special master then the original amount of the fine shall automatically be reinstated. Upon receipt of timely payment in full of the amount of the reduced fine, and the recording costs, the Town Manager, or designee, shall record a copy of the order reducing the fine and a satisfaction of lien. A reduction of fine may only be granted once as to any violation of an order of the special master.

Sec. 15-15. Appeals of orders.

(a) An aggrieved party, including the town, may appeal a final order of a special master to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special master. An appeal shall be filed within 30 calendar days of the issuance of the order sought to be overturned. Failure to make such appeal

within the prescribed 30-day period shall render the findings of the special master conclusive, binding and final.

(b) Unless the findings of a special master are overturned in a proceeding held pursuant to this section, the findings of the special master shall be admissible in any proceeding to collect unpaid penalties.

(c) No aggrieved party other than the town may apply to the court for relief unless such party has first exhausted all remedies provided for in this chapter and has taken all available steps provided in this chapter. It is the intention of the town that all steps provided by this chapter shall be taken before any application is made to the court for relief, and no application shall be made by any aggrieved party other than the town to a court for relief except from an order issued by a special master pursuant to this chapter. It is the intention of the town that, notwithstanding anything to this chapter to the contrary, the town shall retain all rights and remedies otherwise available to it to secure compliance with or prevent violations of the Code. For purposes of an appeal, the clerk shall make available, for public inspection and copying, the record upon which each final order of a special master is based. The clerk shall make a reasonable charge, commensurate with the cost for the preparation of the official record on appeal and transmittal thereof to the circuit court, for making certified copies of any record or portion thereof.

Sec. 15-16. Provisions contained herein are supplemental.

Nothing contained in this chapter shall prohibit the town from enforcing its Code by any other means. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code.

Sec. 15-17. Additional enforcement powers.

(a) In addition to the powers and authority given to the special masters for the town pursuant to this chapter, the town may, in its discretion, exercise any powers given to municipalities or their special masters by the Florida Constitution and Florida Statutes.

(b) Alternatively, the town may choose to enforce compliance for any code violation, depending on issues of health, safety and welfare, through the filing of an action, seeking an injunction in a court of competent jurisdiction.

Sec. 15-18. Violations; schedule of civil penalties.

(a) Violations of this chapter shall be subject to the imposition of penalties as provided herein and subject to all of the provisions of section 1-8 and any other applicable penalty section(s) of the Code of the Town of Surfside. Each day of violation shall constitute a separate, punishable offense.

(b) The town commission may approve from time to time by resolution a schedule showing the sections of the Code and ordinances which may be enforced pursuant to the provisions of this chapter and the dollar amount of civil penalty for the violation of these sections as they may be amended.

(c) Any "description of violations" is for informational purposes only and is not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, ordinances, laws, rules or regulations. To determine the exact nature of the activity proscribed or required by

the Code, ordinances, laws, rules or regulations, the relevant Code, ordinances, laws, rules or regulations section must be examined.

(d) For violations of any section of this Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

Ordinance No. 07-_____

PASSED and ADOPTED on Second Reading this _____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by: _____

Second by: _____

Vote:

Mayor Burkett	yes_____	no_____
Vice Mayor Weinberg	yes_____	no_____
Commissioner Blumstein	yes_____	no_____
Commissioner Imberman	yes_____	no_____
Commissioner Levine	yes_____	no_____

Item 8.A.1
Resolution

POLICE CONFISCATION FUND
EXPENDITURE - \$13,000

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THIRTEEN THOUSAND DOLLARS TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

WHEREAS, Florida Statute Section 932.7055, Florida Statutes, defines the purposes and procedures to be utilized for the appropriation and expenditure of Police Confiscation Fund; and

WHEREAS, the Chief of Police of the Town of Surfside has determined that such needs exist and is in compliance with Section 932.7055, Florida Statutes; and

WHEREAS, such funds are available in the Police Confiscation Fund – State of Florida;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Confiscation Fund Expenditures. Based on the attached certificate of the Police Chief, the Town Commission hereby approves the fiscal year Police Confiscation Fund expenditures for the Town of Surfside, a true and correct listing of which is set forth in Exhibit A.

Section 2. Effective Date. The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this _____ day of _____ 2007.

Attest:

Charles W. Burkett, Mayor

Beatris M. Arguelles, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser, Town Attorney

EXHIBIT A

EXPENDITURE FOR UPGRADE OF SECURITY SYSTEM TO INCLUDE
ADDITIONAL ACCESS CONTROL DOORS AND READERS AND LOCKSMITH
SERVICE FOR HARDWARE - \$13,000.00

AFFIDAVIT

I, **DAVID E. ALLEN**, Chief of Police of the Town of Surfside, do hereby certify that the aforementioned proposed request for expenditures from the Town of Surfside Confiscation Fund, for the 2006/2007 Fiscal Year budget complies with provisions of Section 932.7005, Florida Statutes.

Dated: _____

DAVID E. ALLEN, Chief of Police

Lynn M. Dannheisser, Town Attorney

Resolution No. _____